University of London

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REPORTS

FROM

COMMITTEES:

ELEVEN VOLUMES.

—(6.)—

ELECTIONS:
BARNSTAPLE; BERWICK-UPON-TWEED; LISBURN.

EXPIRING LAWS;
KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS);
REGISTRATION OF COUNTY VOTERS;
SEAT OF UNDER SECRETARY OF STATE;
STANDING ORDERS (PARLIAMENTARY DEPOSITS);
STANDING ORDERS REVISION;
STANDING ORDERS (SHEFFIELD, CHESTERFIELD, AND STAFFORDSHIRE RAILWAY BILL).

Session

4 *February*—— 29 *July* 1864.

VOL. X.

1864.

REPORTS FROM COMMITTEES:

1864.

ELEVEN VOLUMES:—CONTENTS OF THE

SIXTH VOLUME.

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MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

BARNSTAPLE ELECTION PETITION;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

(1864.)

Ordered, by The House of Commons, *to be Printed,*
19 *April* 1864.

Martis, 12° *die Aprilis*, 1864.

Names of Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the Borough of Barnstaple:

Alexander Murray Dunlop.	George Sclater-Booth.
Sir Francis Henry Goldsmid.	Edward Howes (Chairman).
William Henry Humphery.	

Mercurii, 13° *die Aprilis*, 1864.

Ordered, That the Petition and Lists of Voters relative to the said Election be referred to the Committee.

Ordered, That the Committee do meet to-morrow in one of the Committee-rooms of the House, at a quarter before Twelve of the clock.

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REPORT.

BARNSTAPLE ELECTION PETITION.

Veneris, 15° *die Aprilis*, 1864.

The House informed, that the Committee had determined,—

That Thomas Lloyd, Esquire, is not duly elected a Burgess to serve in this present Parliament for the Borough of Barnstaple.

That Richard Bremridge, Esquire, is duly elected, and ought to have been returned a Burgess to serve in this present Parliament for the Borough of Barnstaple.

That the Committee had altered the Poll at such Election by striking off the names of John Gould King, William Henry Thomas, George Smyth, Thomas Hooper, James Hooper, Thomas Lane Blackmore, Matthew Hutchinson, and Francis Hodge, as not having had a right to vote at such Election.

Also, of Richard Garnsey Adams, Francis Bowden, Henry Lewis, Edwin Ley, John Tinson Turner, Arthur Turner, Charles Hancock, and William Harris, it having been proved that they had received money for the purpose of influencing their Votes at such Election.

Also, of Benjamin Williams, Edmund Darke, Samuel Glyde, Richard Bencraft, Charles Snow, and William Verney Sanders, it having been proved that they have been guilty of bribery at such Election.

House further informed, that the Committee had agreed to the following Resolutions:—

That Thomas Lloyd, Esquire, was, by his agents, guilty of bribery at the last Election.

That it was proved to the Committee that Richard Garnsey Adams, Francis Bowden, Henry Lewis, Edwin Ley, John Tinson Turner, Arthur Turner, Charles Hancock, and William Harris, had been bribed with the payment of the sum of 5*l.* respectively; but that it was not proved that such bribery was committed with the knowledge and consent of the Sitting Member.

That they have not reason to believe that corrupt practices have extensively prevailed at the said Election for Barnstaple.

PROCEEDINGS OF THE COMMITTEE.

Jovis, 14° *die Aprilis*, 1864.

NAMES of Members called over;—All present.

The names of the Counsel and Agents for the Sitting Member were handed in.

Counsel:—Mr. *Coleridge*, Q.C., Mr. *Welsby*, and Mr. *Macnamara*.

Agents:—Messrs. *Fearon, Clabon & Fearon*, Mr. *F. Sherrard Clay*, and Mr. *C. E. Matthews*.

For the Petitioners:—

Counsel:—Mr. *O'Malley*, Q.C., Mr. *W. H. Cooke*, Q.C., and The Hon. *Joseph Yorke*.

Agents:—Messrs. *Baxter, Rose & Norton*, and *Thomas Julius Bremridge*.

Petition of *John H. Toller* and *George Peard*, read.

The room was cleared, and the Committee agreed to the following Resolutions:—

1. That Counsel will not be allowed to go into matters not referred to in their opening statement, without a special application to the Committee for permission to do so.

2. That if costs be demanded by either party, under the 11 & 12 Vict. c. 98, the question must be raised immediately after the decision on that particular case, unless the Committee shall otherwise decide.

3. That the Committee expect that with respect to cases of bribery, or offers or promises of money, or other valuable consideration, which it is intended to bring home to the Sitting Member, or his agents, the Counsel for the petitioners will now state the names of the electors bribed, or to whom such offers were so made, and those of the persons who actually gave the bribes, or offered so to do.

4. The Committee, however, reserve to themselves a power, upon the special application of Counsel, to proceed with any case which tends to inculpate any principal or agent, the knowledge of which case has been brought out before the Committee in the progress of the investigation, with the circumstances of which the parties could not be reasonably supposed to have been previously cognisant.

5. That with respect to treating, the Committee will expect Counsel to state the times and places where such treating is alleged to have taken place.

6. That with respect to undue influence, the Committee will require to be furnished with a list of the persons who are alleged to have been subjected to such undue influence, and also with a list of those who are alleged to have exercised it.

7. The Committee, however, reserve to themselves a discretionary power, as in cases of bribery.

8. That no person shall be examined as a witness who shall have been in the room during any of the proceedings, with the exception of the agents, whose names shall be handed in, without the special leave of the Committee.

9. That the Committee will only allow one Counsel to address them on opening the case, and one Counsel on the summing up.

10. That if any point of law should arise requiring argument, the Committee reserve to themselves the power of hearing only one Counsel on each side.

11. That if the leading Counsel are not prepared to sum up the case on either side when the evidence is terminated, the Committee will not protract the proceedings for the convenience of Counsel who may be absent.

12. That with respect to objected votes, the Committee expect Counsel to exhaust one class of objections before proceeding to another.

Parties

Parties called in, and informed thereof.

The short-hand writer was sworn by the Chairman.

Mr. *O'Malley* was heard to open a case of bribery and treating.

Mr. *Coleridge* stated, that certain facts had come to the knowledge of the Sitting Member within the last few days, and that it was not his intention to defend his seat, but that he was anxious to be examined as a witness to prove that he had not been cognisant of any acts of bribery.

Mr. *O'Malley* stated, that it was the intention of the petitioner to continue the scrutiny, and claim the seat.

The room was cleared. The Committee deliberated.

The *Committee* decided that some case of bribery must first be proved, and that then they would be willing to hear the evidence of the Sitting Member, but wished to remind the Counsel for the Sitting Member of the possibility of such evidence being given in the course of the investigation upon scrutiny as might inculpate the Sitting Member after he had withdrawn from the defence of his seat.

Mr. *O'Malley* stated, that there was no charge against the Sitting Member of personal implication in the acts of bribery.

James Richard Naylor sworn, and examined by Mr. *Cooke*. Produced writ and return for last Election for the borough of Barnstaple, also three poll-books.

Lionel Bancraft sworn, and examined by Mr. *Cooke*. Produced revised list of electors for this borough; also accounts of Election expenses of the Sitting Member.

Michael Cook sworn, and examined by Mr. *Cooke*. Produced Register of persons entitled to vote at any election for this borough.

Francis Bowden sworn, and examined by Mr. *Cooke*.

Richard Garnsey Adams sworn, and examined by Mr. *Cooke*.

George Lewis sworn, and examined by Mr. *O'Malley*.

Henry Lewis sworn, and examined by Mr. *O'Malley*.

Mr. *Coleridge*, in accordance with the Resolution of the Committee, called the Sitting Member.

Thomas Lloyd, Esq., (a Member of this House), sworn, and examined by Mr. *Coleridge*.

Mr. *Coleridge* stated, that the Sitting Member would no longer defend his seat.

Resolved, "That Thomas Lloyd, Esq., is not duly elected a Burgess to serve in this present Parliament for the Borough of Barnstaple.

Mr. *Cooke* stated, that he should now proceed, on the part of the petitioners, to claim the seat, and proceeded with a case of scrutiny.

Class II.

Voters objected to on ground that they had received Bribes at the said Election.

ON VOTE OF RICHARD GARNSEY ADAMS.

(No. 542 on Register.)

Richard Garnsey Adams previously sworn, and examined.

Resolved, "That the vote of Richard Garnsey Adams is a bad vote, and be struck off the votes given for Mr. Lloyd."

ON VOTE OF FRANCIS BOWDEN.

(No. 554 on Register.)

Francis Bowden previously sworn, and examined.

Resolved, "That the vote of Francis Bowden is a bad vote, and be struck off the votes given for Mr. Lloyd."

ON VOTE OF HENRY LEWIS.

(No. 672 on Register.)

Henry Lewis previously sworn, and examined.

Resolved, "That the vote of Henry Lewis is a bad vote, and be struck off the votes given for Mr. Lloyd."

ON VOTE OF EDWIN LEY.

(No. 670 on Register.)

The name of this voter was entered on the list of voters objected to as "William."

Mr. *Cooke* stated that this was only a clerical error, and that the numbers on the register and on the list corresponded.

Room cleared. The Committee deliberated.

Motion made, and Question, "That the Petitioners be allowed to proceed with the case of Edwin Ley," put:—The Committee divided:

Ayes, 2.	Noes, 3.
Mr. George Sclater-Booth.	Mr. Alexander M. Dunlop.
Mr. Edward Howes.	Sir Francis Goldsmid.
	Mr. William H. Humphery.

Parties called in, and informed thereof.

ON VOTE OF JOHN TINSON TURNER.

(No. 722 on Register.)

John Tinson Turner sworn, and examined by Mr. *Cooke*.

Resolved, "That the vote of John Tinson Turner is a bad vote, and be struck off the votes given for Mr. Lloyd."

ON VOTE OF ARTHUR TURNER.

(No. 720 on Register.)

Arthur Turner sworn, and examined by Mr. *Cooke*.

Resolved, "That the vote of Arthur Turner is a bad vote, and be struck off the votes given for Mr. Lloyd."

ON VOTE OF CHARLES HANCOCK.

(No. 171 on Register.)

Edwin Martin sworn, and examined by Mr. *Cooke*.

Resolved, "That the vote of Charles Hancock is a bad vote, and be struck off the votes given for Mr. Lloyd."

[Adjourned till To-morrow, at Half-past One o'clock.

Veneris, 15° *die Aprilis*, 1864.

Names of Members called over;—All present.—

Mr. *Yorke*, in the absence of Mr. Cooke, asked the leave of the Committee to proceed with Class I. before they had exhausted Class II.

Leave granted accordingly.

Class I.

Voters objected to on ground of Non-residence within the Borough of Barnstaple, or within Seven Miles thereof.

ON VOTE OF JOHN GOULD KING.

(No. 219 on Register.)

Thomas J. Bremridge sworn, and examined.

Resolved, "That the vote of *John Gould King* is a bad vote, and be struck off the votes given for Mr. Lloyd."

ON VOTE OF WILLIAM H. THOMAS.

(No. 721 on Register.)

Thomas Brannen sworn, and examined.

Resolved, "That the vote of William H. Thomas is a bad vote, and be struck off the votes given for Mr. Lloyd."

ON VOTE OF GEORGE SMYTH.

(No. 360 on Register.)

William Smyth sworn, and examined.

Resolved, "That the vote of George Smyth is a bad vote, and be struck off the votes given for Mr. Lloyd."

ON VOTE OF THOMAS HOOPER.

(No. 646 on Register.)

E. Fewings sworn, and examined.

Resolved, "That the vote of Thomas Hooper is a bad vote, and be struck off the votes given for Mr. Lloyd."

ON VOTE OF JAMES HOOPER.

(No. 647 on Register.)

James Hooper sworn, and examined.

Resolved, "That the vote of James Hooper is a bad vote, and be struck off the votes given for Mr. Lloyd."

ON VOTE OF THOMAS LANE BLACKMORE.

(No. 417 on Register.)

Ellen Conybeare sworn, and examined.

William Smyth previously sworn; examined.

Resolved, "That the vote of Thomas Lane Blackmore is a bad vote, and be struck off the votes given for Mr. Lloyd."

ON VOTE OF MATTHEW HUTCHINSON.

(No. 444 on Register.)

Ellen Conybeare previously sworn; examined.

Resolved, "That the vote of Matthew Hutchinson is a bad vote, and be struck off the votes given for Mr. Lloyd."

ON VOTE OF FRANCIS ROBERT HODGE.

(No. 192 on Register.)

Charles E. Northcote sworn, and examined.

Resolved, "That the vote of Francis Robert Hodge is a bad vote, and be struck off the votes given for Mr. Lloyd."

Class VII.

Votes objected to on ground of Bribery, for that they gave, or promised to give, Money or Valuable Consideration to Voters in order to induce Voters to vote.

ON VOTE OF BENJAMIN WILLIAMS.

(No. 732 on Register.)

Thomas Curtis sworn, and examined.

Alice Muxworthy sworn, and examined.

Resolved, "That the vote of Benjamin Williams is a bad vote, and be struck off the votes given for Mr. Lloyd."

ON VOTE OF EDMUND DARKE.

(No. 105 on Register.)

Thomas Curtis previously sworn; examined.

Resolved, "That the vote of Edmund Darke is a bad vote, and be struck off the votes given for Mr. Lloyd."

ON VOTE OF THOMAS GLYDE.

(No. 140 on Register.)

Thomas Curtis further examined.

Resolved, "That the vote of Thomas Glyde is a bad vote, and be struck off the votes given for Mr. Lloyd."

ON VOTE OF RICHARD BENCRAFT.

(No. 33 on Register.)

Resolved, "That the vote of Richard Bencraft is a bad vote, and be struck off the votes given for Mr. Lloyd."

ON VOTE OF CHARLES SNOW.

(No. 337 on Register.)

Alice Muxworthy further examined.

John Younge sworn, and examined.

Resolved, "That the vote of Charles Snow is a bad vote, and be struck off the votes given for Mr. Lloyd."

Mr. Cooke applied to the Committee to strike off the vote of *Edwin Ley*, No. 670 on the Register, whose name the Committee decided had not been placed upon the list, on the ground that, by 26 Vict. c. 29, the Committee were empowered to do so, it having been proved that Edwin Ley had received a bribe.

Resolved, "That the vote of Edwin Ley is a bad vote, and be struck off the votes given for Mr. Lloyd."

ON VOTE OF WILLIAM VERNEY SANDERS.

(No. 342 on Register.)

Objected to, on ground that he gave, or promised to give, money or valuable consideration to voters to induce voters to vote.

W. Harris sworn, and examined.

Resolved, "That the vote of William Verney Sanders is a bad vote, and be struck off the votes given for Mr. Lloyd."

ON VOTE OF WILLIAM HARRIS.

(No. 638 on Register; objected to, on ground that he had received a bribe.)

Resolved, "That the vote of William Harris is a bad vote, and be struck off the votes given for Mr. Lloyd."

Mr. *Cooke* stated that this placed his client in a majority of one.

The room cleared. The Committee deliberated.

Resolved, "That Richard Bremridge, Esq., is duly elected, and ought to have been returned a Burgess to serve in this present Parliament for the Borough of Barnstaple."

Parties called in, and informed thereof.

Room cleared. Committee further deliberated.

Resolved, "That the names of John Gould King, William Henry Thomas, George Smyth, Thomas Hooper, James Hooper, Thomas Lane Blackmore, Matthew Hutchinson, and Francis Hodge, be struck off the poll, as not having had a right to vote at such Election.

"Also, of Richard Garnsey Adams, Francis Bowden, Henry Lewis, Edwin Ley, John Tinson Turner, Arthur Turner, Charles Hancock, and William Harris, it having been proved that they had received money for the purpose of influencing the votes at such Election.

"Also of Benjamin Williams, Edmund Darke, Samuel Glyde, Richard Bencraft, Charles Snow, and William Verney Sanders, it having been proved that they had been guilty of bribery at such Election."

Resolved, "That Thomas Lloyd, Esq., was by his agents guilty of bribery at the last Election."

Resolved, "That it was proved to the Committee that Richard Garnsey Adams, Francis Bowden, Henry Lewis Edwin Ley, John Tinson Turner, Arthur Turner, Charles Hancock, and William Harris, had been bribed with the payment of the sum of five pounds respectively; but that it was not proved that such bribery was committed with the knowledge and consent of the Sitting Member."

Resolved, "That they have not reason to believe that corrupt practices have extensively prevailed at the said Election for Barnstaple."

Ordered to Report.

LIST OF WITNESSES.

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Veneris, 15° *die Aprilis*, 1864.

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MINUTES OF EVIDENCE.

Jovis, 14° *die Aprilis*, 1864.

MEMBERS PRESENT:

Mr. Sclater-Booth.	Mr. Dunlop.
Sir Francis H. Goldsmid, Bart.	Mr. Humphery.

EDWARD HOWES, Esq., Chairman.

The Names of the Members were called over:—All present.

14 April 1864.

The Petition of *John Henry Toller* and Mr. *George Peard*, complaining of an undue Return at the last Election for the Borough of Barnstaple, was read.

Mr. *O'Malley*, Mr. *Cooke*, and Mr. *Joseph Yorke* appeared as Counsel for the Petitioners.

Messrs. *Baxter, Rose, Norton*, & Co. appeared as Agents.

Mr. *Coleridge*, Mr. *Welsby*, and Mr. *Macnamara* appeared as Counsel for the Sitting Member.

Messrs. *Fearon* & *Clabon*, Mr. *Sherrard Clay*, and Mr. *Matthews* appeared as Agents.

The Committee-room was cleared.

After a short time the Counsel and Parties were called in, and informed that the Committee had passed the first 12 Resolutions.

Mr. *O'Malley* was heard to open the case on behalf of the Petitioners.

Mr. *Coleridge*, on the part of the Sitting Member, stated, as the Sitting Member had within the last few days ascertained that bribery had taken place, he (the Sitting Member) was prepared to withdraw from the seat; but that he was anxious to appear as a witness, in order to disclaim any knowledge of such bribery.

The *Chairman* inquired what course, under the circumstances, the Counsel for the Petitioner proposed to take?

Mr. *O'Malley* stated, that they intended at once to go on with the scrutiny, and to claim the seat.

The room was cleared, and the Committee deliberated.

After some time, the Counsel and Parties were called in.

14 April 1864.

The *Chairman* stated, that the Committee had come to the conclusion that they could not declare the seat of the Sitting Member void until there was some positive proof of bribery, and that then the Sitting Member might be called; but they also drew the attention of Counsel to the fact that a witness might afterwards give evidence of bribery personally touching the Sitting Member, who would therefore have to run the risk of such evidence after his disappearance from the witness-box.

Mr. *James Richard Naylor* was called in, and, having been sworn, was examined by Mr. *Yorke*, as follows:—

Mr. *J. R. Naylor.*

1. YOU are a Deputy Clerk in the Crown Office?—Yes.
2. Do you produce the writ and return for the last election for Barnstaple?—I do (*producing same*).
3. Do you also produce the poll books?—Yes (*producing same*).
4. You received those from the returning officer?—Yes.

Mr. *Lionel Bencraft* was called in, and, having been sworn, was examined by Mr. *Cooke*, as follows:—

Mr. *Lionel Bencraft.*

5. ARE you the Town Clerk of the Borough of Barnstaple?—I am.
6. Have you filled that office for some years?—Since 1843.
7. Do you produce the register in force at the election in October last?—The register in force at the last election is at present in the custody of the then returning officer, Mr. Michael Cooke.
8. When did it come into his possession?—It came into his possession on the 30th November.
9. When did you part with it to him?—I parted with it on the 30th November 1862. The Registration Act declares ——
10. You need not tell me the Act of Parliament. Had you not that register in your possession, as town clerk, when you were served with an order of the House of Commons to produce it?—No, I had not.
11. Then you have not got that register?—I have not.
12. Do you produce the claims, and objections, and lists connected with the revision of voters for the borough of Barnstaple for the year 1862?—I do (*producing same*).
13. The 1862 revision was the one from which the 1863 register was formed. Do those papers contain the names objected to and discussed before the barrister?—They do.
14. Now, there is one question I wish to ask you; is a place called Pilton a portion of the borough of Barnstaple?—It is.
15. Is it separated from the town itself by a piece of water, or rather a river?—It is.
16. Is the street in Barnstaple connected with the street in Pilton by a bridge?—It is.
17. In the same way as Westminster and Lambeth are connected?—Quite so.
18. Do you produce the accounts delivered in by the agent for election expenses in October?—I do.

[*The Witness handed in the following abstract, and the several bills and vouchers comprised therein.*]

Devon—Borough of Barnstaple Election.

Abstract of the Account of the Election Expenses incurred and paid by and on behalf of *Thomas Lloyd*, Esq., a Candidate for the Representation of the said Borough in Parliament.

	£.	s.	d.
Advertisements and stationery, &c.	158	1	11
Advocates, check clerks, and messengers	55	10	–
Carriage and railway tickets	68	4	6
Committee and lecture rooms	68	13	–
Sundries	43	17	–
Share of returning officer's account	73	12	3
Messrs. Clay and Pascoe	105	–	–
Mr. R. Incledon Bencraft	105	–	–
Messrs. Gribble and Bromham	26	5	–
Mr. T. Pike Tucker	26	5	–
Candidate's personal expenses	32	8	2
£.	762	16	10

Barnstaple Borough Election, 20 October 1863.

Expenses incurred by *Thomas Lloyd*, Esq., through his Agents, Messrs. *J. Sherard* and *R. Incledon Bencraft.*

	£.	s.	d.	£.	s.	d.
Advertising, Printing, Stationery, and Posting Bills, &c.:						
T. Hearvon	21	4	–			
J. G. Hayman	45	13	–			
J. Jones & Co.	5	6	–			
S. Searle	2	16	–			
J. Latimer	31	5	9			
H. Hales	9	3	–			
T. Latimer	16	2	6			
Woolmer & Co.	2	16	–			
Mrs. Cornish	1	17	8			
A. Bater, posting bills, &c.	–	2	–			
J. Davey - do.	1	14	6			
W. Chanter - do.	7	9	6			
Geo. Manning do.	7	9	6			
J. Jarman - do.	5	2	6			
				158	1	11
Three Advocates at Polling Booths, viz.:						
J. F. Bromham	5	5	–			
J. C. Gribble	5	5	–			
J. B. Pascoe	5	5	–			
				15	15	–
Twenty Check and Committee Clerks, viz.:						
J. Bradford	1	1	–			
S. Symons	1	1	–			
E. Webb	1	1	–			
A. S. Knill	1	1	–			
A. P. Stevens	1	1	–			
J. B. Rowe	1	1	–			
W. Rudall, jun.	1	1	–			
W. H. Hearson	1	1	–			
J. Rowe	1	1	–			
H. K. Thorne, jun.	1	1	–			
E. Lewis	1	1	–			
J. A. White	1	1	–			
W. H. Thorne	1	1	–			
W. Clement, jun.	1	1	–			
J. Hobbs	1	1	–			
A. Clatworthy	1	1	–			
S. Channon	1	1	–			
H. Sanders	1	1	–			
J. Rottenberry	1	1	–			
G. Dendle	1	1	–			
				21	–	–
Carried forward £.				194	16	11

	£.	s.	d.	£.	s.	d.
Brought forward				194	16	11
Forty-three Messengers, viz.:						
W. Oliver	–	15	–			
W. Hill	–	15	–			
T. Ridd	–	15	–			
W. Fisher	–	15	–			
Z. Steer	–	7	6			
J. Seldon	–	7	6			
J. May	–	7	6			
J. Symons	–	7	6			
J. Geen	–	7	6			
J. Bennett	–	7	6			
T. Flood	–	7	6			
G. Blackmore	–	7	6			
J. Abbott	–	7	6			
A. Nicholls	–	7	6			
J. Nicholls	–	7	6			
W. Lewis	–	15	–			
J. Knill	–	7	6			
W. Jarman	–	15	–			
G. Goss	–	7	6			
T. Bevans	–	7	6			
S. Mercer	–	7	6			
H. Richards	–	5	–			
J. Ward	–	7	6			
T. Flood	–	7	6			
E. Rudall	–	7	6			
W. Taylor	–	7	6			
W. Heale	–	7	6			
W. Heal	–	7	6			
G. Wadham	–	7	6			
H. J. Hancock	–	7	6			
A. Abbott	–	15	–			
W. Martin	–	7	6			
J. Hill	–	10	–			
R. Blake	–	7	6			
W. Cummings	–	7	6			
J. Dell	–	7	6			
G. Steale	–	7	6			
R. Norman	–	7	6			
J. Gilbert	–	7	6			
G. H. Berry	–	7	6			
J. Lord	–	7	6			
J. Perkin	–	7	6			
T. Brown	–	7	6			
				18	15	–
Carried forward £.				213	11	11

	£.	s.	d.	£.	s.	d.
Brought forward - -	-	-		213	11	11
Hire of Post-horses, Carriages, Post-boys, &c.:						
W. Stone - - - - - -	20	18	–			
Mary Aishton - - - -	9	10	4			
T. Joint - - - - - -	8	–	–			
C. Hancock - - - -	1	–	–			
Three journeys to Appledon and back, including boat fare.	1	19	6			
Cab hire - - - - - -	–	3	6			
				41	11	4
Railway Tickets and Coach Fare, viz.:						
John Gilbert, to and from London -	2	4	–			
T. L. Blackmore - do. - -	3	18	6			
S. J. Green - - do. - -	3	18	6			
J. Doble, to and from Poole -	4	1	8			
W. H. Thomas, to and from Cardiff	3	12	–			
M. Hutchinson, to and from Yatton	5	1	–			
S. Edwards, to and from Plymouth	1	15	–			
F. Hodge, to and from Tiverton -	–	18	6			
G. Smyth, to and from Parracombe	–	15	–			
W. Kernshole, to and from Crediton	–	9	–			
				26	13	2
Hire of Committee and Lecture Rooms:						
W. V. Sanders - - - -	3	3	–			
Jas. Lake - - - - -	3	3	–			
John Easton - - - -	6	13	–			
Thos. Hancock - - - -	5	–	–			
W. M. Randall - - - -	4	10	6			
Ed. Parsons - - - -	4	4	–			
John Ville - - - - -	2	2	–			
John Hinde - - - -	1	1	–			
A. Martin - - - - -	1	1	–			
Derby school-room - - -	–	10	–			
Carried forward - - £.	31	7	6	281	16	5

	£.	s.	d.	£.	s.	d.
Hire of Committee and Lecture Rooms—*continued.*						
Brought forward - -	31	7	6	281	16	5
Music-hall - - - -	15	–	–			
B. Manning - - - -	7	5	–			
W. Seldon - - - - -	3	3	–			
E. Seldon - - - - -	3	3	–			
J. Knill - - - - -	2	2	–			
Mrs. Tuison - - - -	2	12	–			
W. Hill - - - - -	3	3	–			
W. Stone - - - - -	–	17	6			
				68	13	–
Sundries:						
Telegrams, &c. - - - -	8	10	3			
Gratuity to telegram clerk - -	2	2	–			
S. Symons, preparing poll-books -	10	–	–			
Barnstaple ringers - - -	3	3	–			
Pilton - do. - - -	1	10	–			
T. H. Ensor's charge for seeing voter at Cardiff.	1	–	9			
Mr. E. Evershot's charge for seeing voters at Brighton.	–	10	5			
Damage to carriage - - -	1	10	–			
Glaziers - - - - - -	2	7	4			
Borough police - - - -	2	–	–			
Mr. Stone, for refreshments sent to polling-booths.	6	14	–			
E. Lewis, loan of furniture - -	–	7	–			
Ten registry books - - -	–	10	–			
Mr. Clay, postage stamps - -	1	15	9			
Mr. Bencroft, postage stamps and turnpikes.	1	16	6			
				43	17	–
Share of returning officer's account	–		–	73	12	3
Messrs. Clay & Pascoe - -	–		–	105	–	–
Mr. R. Incledon Bencraft - -	–		–	105	–	–
Messrs. Gribble & Bromham -	–		–	26	5	–
Mr. Pitts Tucker - - -	–		–	26	5	–
Candidate's personal expenses -	–		–	32	8	2
			£.	762	16	10

J. S. Clay,
R. W. Bencraft,
Agents for Election Expenses.

19. Were those delivered to you by the then mayor?—They were.

20. Are they in the same condition now as they were when delivered to you?—They are.

21. Do me the favour to look at the end where they are signed; there is an abstract, I think?—I apprehend you allude to those referring to Mr. Lloyd's return.

22. I do; are they signed by Richard Incledon Bencraft and J. S. Clay?—Yes.

23. Do you know the handwriting of those persons?—I do.

24. Do you believe them to be in the handwriting of those two gentlemen?—I do.

Mr. *Michael Cooke* was called in, and, having been sworn, was examined by Mr. *Cooke*, as follows:

Mr. *M. Cooke.*

25. WERE you the Returning Officer and Mayor at the election in October last?—I was.

26. I believe you usually vote with the party that Mr. Lloyd came down to represent?—Yes; I have always been in the habit of doing so.

27. Do you produce the register in force at that election?—I do (*producing same*).

Mr.

Mr. *Francis Bowden* was called in, and, having been sworn, was examined by Mr. *Cooke*, as follows:—

28. ARE you a shoemaker, living in Barnstaple?—Yes.

29. And are you an elector of the borough?—I am a freeman.

30. Have you been a voter for that borough for many years?—Yes.

31. Were you canvassed for your vote on the last election by Mr. Lloyd?—Yes.

32. Who was in his company when he asked you for your vote?—Mr. Incledon Bencraft.

33. Did you promise him your vote on that occasion?—Not wholly promised him.

34. What did you say to him?—I said I did not know whether I should support him or no, but I did not say that I would support him.

35. Now, on the evening of the nomination, did you go with a man named Richard Garnsey Adams to the Chichester Arms, in Pilton?—Yes.

36. What time in the evening?—About nine o'clock.

37. What room of the house did you go into?—The kitchen.

38. Who did you find there?—Well, there were several there drinking; it was a common tap-room.

39. Were they voters drinking, or people not voters?—If they were voters, I was not acquainted with them; only the party I went with were voters.

40. Who did you go with besides Adams?—A man they call Francis Drake.

41. Did you see John Boyle Rock there?—Yes.

42. Was that in the kitchen?—No, not in the kitchen.

43. Where was it you saw John Boyle Rock?—There was a sort of recess—a sort of back doorway, where I saw him.

44. How came you to see him in that back doorway?—Because that was the party I went to see.

45. You went there to see John Boyle Rock?—Yes.

46. Did you go there by application from anybody, or under what circumstances did you go to see for him?—It was Francis Drake that informed me I could go there to Pilton.

47. What passed between you and John Boyle Rock on that evening?—It was to this amount, that if we were to go and poll for Lloyd, that if there was anything given to remunerate a man for his loss of time, that I should not go unrewarded.

48. Who were present besides you and Rock at that conversation?—No one.

49. What answer did you make to Rock then?—I said I was going to vote for Mr. Lloyd.

50. Did he promise you any money on that occasion?—There was no stipulated amount particularly spoken of; but still, if there was anything to remunerate a man for his loss of time, I should be sure to receive what was my due.

51. Did you not, before leaving the house, go with Adams into the bed-room of the landlord?—I do not recollect that I did; I have been told so, but I do not recollect that I did.

52. Now you are here, and we must have the truth?—You will have nothing less from me.

53. Did you go with Adams anywhere upstairs?—If it was with me I cannot recollect it; I know I went myself.

54. You went upstairs to the landlord, Thomas Hancock?—Yes.

55. By the *Committee.*] Was this the same time?—Yes, the same time.

56. Mr. *Cooke.*] What did you go to see the landlord, Thomas Hancock, upstairs, for?—I suppose it would be to get the thing more confirmed.

57. What thing?—What Mr. Rock had said to me before.

58. About the money for your vote?—Yes.

59. Did Rock go with you into Hancock's bedroom?—There was some one, but it might be——

60. Did Hancock confirm Rock's promise?—Yes.

61. Do you recollect what he said?—Hancock?

62. Yes?—He said I should be sure to be put to rights if I voted for Mr. Lloyd.

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63. Did you and Adams go to the poll soon after eight o'clock on the next morning?—Yes.

64. And voted for Mr. Lloyd?—Yes.

65. Did anybody take you up to the poll?—No.

66. After voting, did you and Adams go back to the Chichester Arms?—Yes.

67. Do you know Charles Snow, the landlord of the Golden Anchor?—Yes.

68. Did he not go with you to the poll?—Yes; but then I took him there; he did not take me.

69. Where did you find him?—In his own house.

70. Then before you went to the poll that morning, you were at the Golden Anchor?—We merely called in there a bit, before the poll was opened.

71. Did you get anything to drink?—Yes.

72. Did you pay for it?—My friend did.

73. Who was your friend?—Richard Adams. It is a very trifle I had, only one half-pint, I think.

74. Now, after that, did you and Adams go back to the Chichester Arms?—Yes.

75. Now, on reaching the Chichester Arms, tell us where you went into?—Into the tap-room—the kitchen.

76. Did you find Rock there?—No.

77. Did you go upstairs to see Hancock in bed? Did you go upstairs towards Hancock's bedroom?—I think I did. Yes.

78. By the *Committee.*] Was this on the day of the poll?—

79. Mr. *Cooke.*] Yes. Immediately after you had voted I am speaking about?—About 11 o'clock.

80. How long had you waited downstairs before you went up towards the bedroom?—I might have been there 20 minutes.

81. Did you see the daughter of Hancock downstairs?—I saw a young lady there. I thought it might be his daughter.

82. Did you inform her of the cause of your visit?—No, I did not.

83. Did she leave the room, leaving you down below, and go away from you?—Yes; many times she was in and out, attending to her customers.

84. As you were going upstairs, did you meet that young lady?—No; I did not go up on the second occasion.

85. Did you see Rock?—Yes, I had seen him.

86. No. Did you not see him at the Chichester Arms that morning?—Yes.

87. Did you not tell him you had voted for Lloyd?—Yes.

88. Upon that, were you not beckoned out of the room after that?—Yes.

89. By a man or a woman?—A man.

90. Where were you beckoned to?—To a place between the kitchen and the cellar.

91. When you got to the place between the kitchen and the cellar, did any woman come to you?—I saw a person there.

92. A woman?—Dressed as a female. I do not know whether she was a woman or no.

93. What did she give you?—A packet.

94. Something wrapped up in paper?—Yes.

95. When you opened that packet, what did it contain?—Five sovereigns.

96. Was Garnsey Adams beckoned out of the room before or after you?—After me.

97. Did you beckon him out?—Well, I do not know whether I did or not; if I did not, some other body did.

98. Did you see him come back with a packet?—He did not show it to me.

99. Not at all?—I might have seen it afterwards, but not there.

100. Did you not see it afterwards?—Yes.

101. What did that contain?—Five sovereigns or five pounds, in half sovereigns and sovereigns.

102. By the *Committee.*] When did you see that in Adams's possession?—On the day of the election.

103. Mr. *Cooke.*] Immediately after he had come back?—About 11 o'clock.

104. When he came back from that black hole between the cellar and the place?—There was no black hole.

105. Did he not show it to you at the Chichester Arms?—No.

106. Where

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106. Where did he show it to you?—On Pilton Bridge.

107. As you both came back again from the Chichester Arms on the bridge, and he showed you his packet, did he?—Yes.

108. And did you show him yours?—No.

109. Did you go with him to the Mermaid?—No.

110. Did you part company with Mr. Snow after crossing the bridge?—No; I stayed in his company all the day.

111. Where did you go to then?—We went and had something to eat; and then we went to Charles Snow's, the Golden Anchor.

112. Which room did you go into at the Golden Anchor?—Into the kitchen—the tap-room.

113. Did Garnsey Adams tell you when he showed you the money where he had it from?—He need not do it; I knew it myself where he had it from.

Chairman.] You had better avoid that sort of evidence.

114. Mr. *Cooke.*] Now, tell me this; you went to the Golden Anchor; which room did you go into?—The kitchen.

115. What time of the day would that be?—Between two and three.

116. As late as that, or earlier?—It must be past two.

117. Did you find other men there that you knew to be voters?—Many.

118. Were you supplied with drink there?—When I paid for it; I had to pay for it.

119. Did you pay for all the drink you had there that day?—In the morning my friend paid for two half pints.

120. I am not asking you about the morning?—Afterwards I paid for it myself.

121. Were you not furnished with drink in the Golden Anchor after two o'clock that day, which you did not pay for?—No; I had one glass of beer, and that my brother paid for.

122. Had you not rum and water?—Not in the afternoon; in the morning I had a glass of rum and water.

123. Did you pay for that?—I did not.

124. Why did you not pay for it?—I had not occasion, for I had it given me.

125. Were you asked to pay for it?—No.

126. Who did you see in the Golden Anchor when you were there after two o'clock, voters?—Many that had polled for Mr. Lloyd. I suppose they had nearly all polled, for I saw some of Mr. Bemridge's come in. I know one, called William Rood, another called Charles Ley. I saw my brother John there, who had voted for Mr. Lloyd, and it was he that treated me to this glass of beer, and this was the only thing I was treated to; the rest I paid for.

127. You used the word, "a man named Ley"?—Yes.

128. Was that Edwin Ley?—Yes.

129. What is he, a tanner's man?—He is a painter.

130. Were these persons whose names you have mentioned to me drinking there?—Yes.

131. Did you see anybody pay for the liquor?—All paid for their own, I believe, at that time; I saw the money pass. When they ordered a glass, they paid for it.

132. What time did you leave the Golden Anchor that day?—About a quarter after three.

133. Do you reside in the Green-lane at Barnstaple?—I do.

Mr. *Richard Garnsey Adams* was called in, and, having been sworn, was examined by Mr. *Cooke*, as follows:—

Mr. *R. G. Adams.*

134. ARE you a hatter at Barnstaple?—Yes.

135. And are you a freeman and elector of that borough?—Yes.

136. I believe you have voted at several elections?—Yes.

137. Now, on the evening of the nomination-day did you go to the Chichester Arms at Pilton?—Yes.

138. With Francis Bowden?—Yes, I did.

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139. Did you see John Boyle Rock there?—Yes.

140. Was anything said to you by him about your voting for Lloyd?—I believe there was.

141. Was any promise made to you?—He promised to pay me my expenses.

142. Was any amount mentioned that evening?—No, there was not.

143. Did you go upstairs in the bedroom of Hancock, the landlord?—Yes, I did.

144. Why did you go there?—I do not know; but he said to me he would pay the expenses, whatever they might be.

145. Who said that, Hancock?—Yes.

146. Why did you go to see Hancock in his bed-room?—The night before the election.

147. But why did you go after Mr. Rock had said those words; why did you go upstairs to see Hancock, who was ill in bed?—Because he said I should be paid my expenses.

148. Do you mean that he confirmed Mr. Rock?—Yes, I do.

149. Did you vote in the morning for Mr. Lloyd?—Yes, I did.

150. And after you voted did you go to the Chichester Arms with Bowden?—Yes, I did.

151. Did you go into the kitchen?—Yes, I did.

152. Were you beckoned out of the kitchen into a place near the cellar?—Yes.

153. Did a woman give you a packet?—Yes.

154. Did that packet contain 5 *l.* in gold?—Yes, I believe it did.

155. And did you show this the same day to John Baker, the landlord of the Mermaid?—No; he came over some time afterwards. He wanted to borrow some money of me, and I gave him the sovereigns.

156. You gave him the same sovereigns you had had from this woman in the passage?—Yes, I did.

157. Did you notice at the Chichester Arms, on the polling-day, when you got there, any beer outside the Committee-room?—No, there was not. I did not notice any.

158. Did you go afterwards to the Golden Anchor?—Yes, I believe I did.

159. Did you see any paper outside the Golden Anchor?—No, I do not know that I did.

160. What time of the day did you get to the Golden Anchor?—Before we went to the poll.

161. Were you not there in the afternoon?—I do not know that I was.

162. By the *Committee.*] Do you know who the woman was who gave you the packet?—No, I do not; but I believe it was the landlord's daughter. I do not know who it was.

163. You say Rock promised to pay your expenses; was that if you voted for Lloyd?—Yes.

164. Was it the woman you had seen before in Barnstaple?—No, I do not know that I had.

165. Have you seen her since?—No, I have not.

166. Mr. *Cooke.*] Did you see Hancock brought up to vote that day; were you there when he was brought out of bed to vote?—No, I was not.

Mr. *George Lewis* was called in, and, having been sworn, was examined by Mr. *O'Malley*, as follows:—

Mr. *George Lewis.*

167. WERE you a freeman and a voter at the last election for Barnstaple?—Yes.

168. And your brother Henry was a voter also?—Yes.

169. And your brother John, I believe?—Yes.

170. You have always voted for the conservative party?—I voted for Bruce Chichester once, and, barring that time, I voted for the other party.

171. Do you remember on the morning of the election meeting your brother Henry?—Yes.

172. In what street was it you met him?—Bridport-street.

173. You walked some distance with him, I believe?—Yes.

174. Do you mean Mr. Incledon Bencraft?—They were standing opposite Mr. Manning.

175. That was a place placarded as one of the Committee-rooms?—I was not inside; I do not know.

176. But outside?—I believe it was a Committee-room. I would not swear it was a Committee-room.

177. It was one of those named on the expenses as one of the houses; Benjamin Manning is his name?—Yes.

178. You saw Mr. Incledon Bencraft there. Did he say anything to you?—He did to me, not to my brother.

179. You were walking with your brother at the time?—Yes.

180. What did he say to you?—Whether I asked him where Mr. Thomas Selden was, and Mr. Incledon Bencraft told me he was at the Golden Anchor.

181. Just tell us what you said about Mr. Selden?—Whether I asked him, Mr. Bencraft, where he was, or else Mr. Bencraft says, "Go and see him."

182. By the *Committee.*] Who were you to go and see?—Mr. Thomas Selden.

183. Mr. *O'Malley.*] At the Golden Anchor?—Yes.

184. Well, now, did you go to the Golden Anchor?—Yes.

185. The Golden Anchor was one of the Committee-rooms, I believe?—Yes.

186. When you went to the Golden Anchor, who did you see there; did you see Mr. Thomas Selden?—I did.

187. And Ben Williams?—I did.

188. Whereabouts in the Golden Anchor did you see them?—It was in some part of the back premises. I entered by the back way.

189. How came Selden's name to be mentioned when you were talking to Mr. Bencraft?—Just as the election commenced, I met Mr. Selden just outside the Fortescue Arms, or the Golden Lion. It was further down. He came across the street, and spoke to me, and asked me if I would come that side this time.

190. That is Lloyd's side?—Yes; Lloyd's name was not mentioned. I do not know whether Mr. Lloyd was in at the time.

191. But to come that side this time?—Yes; then he told me if I would, I should have the best price.

192. How long before you saw Mr. Bencraft was that?—This was at the beginning, when I saw Mr. Bencraft; it was the election day.

193. By the *Committee.*] Has he given the date of this conversation about having the best price?—No; I cannot. It was before the candidates were on the ground.

194. Mr. *O'Malley.*] It was some time previous. It was that led to Mr. Selden's name being mentioned in the streets?—Yes.

195. When you went down you say you saw Ben Williams and Selden and another person, I believe, whom you did not know?—I did not. I know him by face. His name I do not know.

196. Your brother Henry was with you, of course?—Yes.

197. Was John with you?—No.

198. What took place?—Mr. Selden took two letters out from his pocket, and told me he had had them from Mr. William Thorne, and he declined then having anything further to do with it. He took two letters from his pocket, and offered me to read them; he read one to me. The words I do not know.

199. It was a caution against bribery?—I believe so; he told me so.

200. And he could not have anything to do with it?—Yes.

201. Did Ben Williams do anything, or say anything?—He offered to shake hands with me.

202. And you refused, I believe?—I did.

203. Did you say why you refused?—No, I did not.

204. You were afraid of concluding a bargain, I suppose?—That must be.

205. Did he say anything to Henry?—The words I do not know. I saw him shaking hands.

206. He shook hands with Henry?—Yes.

207. And Henry shook hands with him?—Yes.

208. Had Williams any paper in his hand at the time?—He had, and a pencil.

209. When he shook hands with your brother Henry, did he do anything with the pencil?—Yes, on a piece of paper.

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210. Made a mark?—What mark I do not know; I saw him with a pencil against the paper.

211. Well, then, after that did you leave your brother there?—No, we came together.

212. Did you see where your brother went?—Yes, he was about the town at different times; I was not in his company all the afternoon.

213. No, but before you left them did you not part company?—Yes, we came through Holland-street together.

214. When Ben Williams shook hands with him did he leave anything behind?—When he came that side he told me he had five sovereigns.

215. Did you see the five sovereigns?—I did not, but he told me he had five sovereigns.

216. And all you saw was the shaking of hands?—That is all I saw.

217. You say he showed you the money?—No, he did not.

218. He told you he had the money?—Yes.

Mr. *Henry Lewis* was called in; and, having been sworn, was examined by Mr. *O'Malley*, as follows:

Mr. *Henry Lewis.*

219. DO you remember the day of the Barnstaple Election?—I do.

220. Do you remember going with your brother to the Golden Anchor?—I do.

221. And going away with him from the Golden Anchor?—I do.

222. By the *Committee.*] The witness is a voter?

223. Mr. *O'Malley.*] Yes. Do you remember telling him that you had got 5 *l.*?—I do.

224. Who did you get the 5 *l.* from?—Benjamin Williams.

225. Where?—At the back yard of the Golden Anchor.

226. Was that when he shook hands with you?—It was, but I was not aware when he first asked me what it was.

227. However, in shaking hands he shook the 5 *l.* into your hand?—He did.

228. Did you vote for Lloyd?—I did.

229. In consequence of shaking hands on the bargain, and getting 5 *l.*, you considered yourself bound to vote for him?—Well, I did not consider myself bound to vote for him in that respect only, but I had made up my mind before. I do not consider that the 5 *l.* had any influence on my mind; I did not consider it for a moment, because whether or whether not, I should have done the same.

230. Were you not at one time thinking of returning the money, and voting for Mr. Bremridge?—Never.

231. You never thought of returning the money?—No. Butter was never known to be got out of a dog's mouth. I never had any thought of returning the money.

Mr. *Cooke.*] The accounts delivered in on the part of Mr. Lloyd, the sitting Member, are signed by J. S. Clay and R. T. Bencraft, agents for election expenses, and the town clerk identifies the handwriting as being that of those gentlemen. In those accounts also appears the payment of 100 guineas to Mr. Incledon Bencraft, as one of the agents of the sitting Member. There is one more piece of evidence which we will put in. In the account of election expenses, under the head of hire of committee and lecture-rooms, is Thomas Hancock 5 *l.* for the use of the house, the Chichester Arms.

The *Committee* desired to know whether any further evidence would be given to connect Mr. Bencraft as an agent.

Mr. *Welsby* stated that he did not dispute that.

The *Chairman* stated that, in accordance with the former resolution of the Committee, they did not see any objection to Mr. Lloyd appearing as a witness, but that there would probably be further evidence of bribery.

Mr. *Coleridge* replied that he was quite willing to take the chance of that.

Thomas Lloyd, Esq., a Member of the House, having been sworn, was Examined by Mr. *Coleridge*, as follows:

232. YOU are at present the sitting Member for Barnstaple?—I am.

233. I believe the notion of standing for Barnstaple was first suggested to you at Birmingham?—It was.

234. By whom?—By Mr. Moore.

235. Was Mr. Moore a stranger to you at that time?—I had known him some years before, and had very much lost sight of him, but I happened, a few days before, in travelling to the West of England on some other business, to have met him, and I revived the acquaintance, and travelled with him in the railway carriage; we did not very much talk about election matters, but he revived the acquaintance; I do not think Barnstaple was named at the time, but he came afterwards to see me at Birmingham.

236. Afterwards, you were induced to go down to Barnstaple?—He came and asked me whether I would go down to Barnstaple; he pressed me very much; I was not particularly anxious about it.

237. Mr. Mackie, I believe, was the gentleman who first was asked to go, but he had some domestic trouble?—He told me, when I met him, that he was on the way to see Mr. Mackie, in Scotland, with whom he had an arrangement to stand for Barnstaple, but that some domestic affliction prevented it; there was a vacancy, and he particularly urged me to go.

238. Did you go down with a Mr. Matthews?—I did.

239. Mr. Matthews, I believe, is an attorney at Birmingham?—He is a young solicitor at Birmingham, and most respectably connected.

240. Very well known to you?—Yes.

241. And your solicitor at Birmingham?—In many matters.

242. He has worked for you?—He frequently does.

243. You went down with him?—Yes; he is solicitor to the Liberal Registration Association for the county of Warwick.

244. Allow me to ask you whether, when you went down there, you gave instructions to him or to any other of your agents as to the expenditure of money in the election?—I gave only one instruction throughout from the beginning, that I would not approve of the expenditure of one single shilling in any way whatever which would be in the slightest degree illegal or to compromise me in any question; in fact, I took Mr. Matthews down; I said "I am going a stranger in the place; I do not know much about Barnstaple, or a great deal about Mr. Moore," and I asked Mr. Matthews simply to go with me.

245. Did you, from time to time, repeat those instructions that nothing of the kind should be done by you or by persons authorised by you?—Upon every possible occasion that such a necessity should arise, for I had not a ghost of a suspicion that anything would be done.

246. As far as you were aware, directly or indirectly, throughout the whole of the proceedings of the election, were you aware of the expenditure of a single shilling in a way that would be improper?—After the election—when I was elected—I said this election had been obtained without the expenditure of a single shilling in bribery or treating, and it was my full and distinct belief that it was so up to a fortnight ago.

247. What number of promises did you receive?—When I went to Barnstaple at the first meeting, I was informed that the borough was essentially a Liberal borough; that it required 300 votes to win the election; that there were about from 250 to 270 unquestionable voters, freeholders, respectable tradesmen, professional men, and others, who could be perfectly relied upon. They stated that there was, on the Conservative side, a very much smaller number; I forget how many; somewhere about 100 odd. There were a great number of freemen of a very venal character, but if there were no bribery on the other side at all, which they did not think very likely would be the case, they thought there was a very great chance, and a great opportunity of obtaining the seat.

248. I ask whether, throughout the election, you were directly or indirectly aware of the expenditure of a single shilling in bribery?—Most certainly not.

249. You say you were under that impression till a fortnight ago. I cannot properly ask you in detail, but did you receive both written and verbal assurances from persons employed by you, that not a shilling had been improperly expended?

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pended?—I received the strongest assurances, verbal and in writing, that no money had been improperly expended. I would state that I received a written assurance from a gentleman down there. He said that cases had come out, in which there had been bribery, but they were from persons utterly and entirely unconnected with himself; and that they were entirely on their own account. That they were entirely persons such as tradesmen, or persons who may have done it entirely on their own account; but those were the only cases which could be brought against us. That was the extent of the information. That information I only received very lately, and that is the extent of the information, and the extent of my suspicions up to a few days ago.

250. I believe the number was mentioned to you?—I am taxing my memory, but I think they stated not above eight or ten, or something of that kind; I will not pledge myself to how many; but bribed cases, improper cases, could be proved against us, in which votes had been obtained from persons utterly and entirely unconnected with myself, and done on their own account.

251. You say you were under that impression till about a fortnight ago?—I was under that impression till a few days ago, up to the time that I sent my solicitor, Mr. Clabon, who went to Barnstaple, and came back and told me those astounding facts.

252. Within the last two or three days you have received information of the facts referred to?—From my solicitor, Mr. Clabon, who I requested to go to Barnstaple.

253. Is that the first information you received on the subject?—That is the first information I received on the subject.

254. Now, I must ask you whether, directly or indirectly, the money which appears to have been paid has been furnished by you, or has there been any undertaking or understanding by you, as a gentleman, that it should come out of your pocket?—I have not the most remote conception where it came from, or who paid it.

255. You were under no understanding of an honourable kind, in the least degree, to replace it?—Not the slightest.

256. And you know nothing about it?—Not the slightest. I wish the Committee to ask me as many questions as you possibly can. I am anxious to be asked all the questions you can possibly conceive, because I consider I have been used in the most scandalous manner.

257. There is one question more. I am told you desire to say something about Mr. Clay?—Yes. When I went to Barnstaple I was a perfect stranger——

258-9. Mr. *O'Malley.*] I think the Witness is going beyond the limits?—I will answer what you like. I think I should mention that I put myself with Mr. Clay as my solicitor.

Mr. *Coleridge.*] The Committee may do as they please about it.

The *Witness.*] I wish to show the respectability of my solicitor, Mr. Clay.

Mr. *Coleridge.*] That is admitted.

The *Witness.*] I wish you could call Mr. Clay; he would be very anxious to come into the box.

260-1. *Chairman.*] We understood that you wished to appear yourself, and to that request we acceded?—I am very anxious that Mr. Clay should be called; he was as ignorant as I was of these things.

262. Mr. *Cooke.*] Mr. Lloyd only knew Mr. Clay when he got to Barnstaple?—Exactly.

263. By the *Committee.*] There is nothing against Mr. Clay?—Mr. Clay would corroborate my evidence.

Mr. *Coleridge.*] That is all I propose to ask.

Mr. *Coleridge* stated that he now proposed to withdraw from the case altogether.

Mr. *Cooke* replied, that under the circumstances he would propose to proceed with the scrutiny, and he would take Class 2 first.

The scrutiny was then proceeded with.

The

The vote of Richard Garnsey Adams was struck off. *T. Lloyd*, Esq.

The vote of Francis Bowden was struck off. 14 April 1864.

The vote of Henry Lewis was struck off.

Mr. *Cooke* stated, that the next case he proposed to take was that of Edwin Ley, who was called William instead of Edwin in the list, by mistake.

After some discussion the room was cleared, and the Committee deliberated.

After some time the Counsel and parties were re-admitted.

The *Chairman* stated, that the Committee were of opinion that the petitioners were not at liberty to go into the case of Edwin Ley.

Mr. *John Tenson Turner* was called in; and, having been sworn, was examined by Mr. *Cooke*, as follows:

Mr. *J. T. Turner.*

264. ARE you an Elector of the Borough of Barnstaple?—Yes.
265. Did you vote at the last election for Mr. Lloyd?—Yes.
266. Did you receive five sovereigns for your vote from Mr. Glyde, the china-dealer?—Yes.
267. What is Mr. Glyde's christian name?—Samuel.
268. Was that at the White Lion, one of Mr. Lloyd's Committee-rooms?—The money was tendered to me there.
269. Was it sent to your landlady?—Sent to my lodgings.

The vote of John Tenson Turner was then struck off.

Mr. *Arthur Turner* was called in; and, having been sworn, was examined by Mr. *Cooke*, as follows:

Mr. *A. Turner.*

270. WHAT are you?—A Cordwainer.
271. Did you at the last election vote for Mr. Lloyd?—I did.
272. Did you receive 5 *s.*, a few days before the election, from Mr. Incledon Bencraft by means of your wife?—My wife did
273. He promised you the money, and you sent your wife for it?—Yes.
274. On the polling-day did you receive 5 *l.*?—I did.
275. From whom?—Mr. Edmund Dark.
276. He is a carrier, is he not?—A carrier by trade.
277. At the Stafford Arms committee-room?—Yes.

The vote of Arthur Turner was then struck off.

Mr. *Cooke.*] I propose next to take the case of Charles Hancock.

Mr. *Edward Martin* was called in; and, having been sworn, was examined by Mr. *Cooke*, as follows:

Mr. *E. Martin.*

278. WHAT are you?—An Auctioneer at Barnstaple.
279. Do you know Charles Hancock, of Budport-street, in Barnstaple?—I do.
280. What is he?—He keeps a donkey and a carriage, and lets out little carriages on hire.
281. Have you seen him lately?—Yes.
282. When?—I have seen him; I do not know exactly when, but I have seen him repeatedly within the last two months.
283. Had you any conversation with him abou this vote at the last election?—I had.
284. When was that?—I think on the 7th February.

Mr. *E. Martin.*

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285. Did he tell you on that occasion about the sum of money he received for voting?

The *Chairman* stated that he did not think the question was admissible.

After some discussion, the *Chairman* desired Mr. *Cooke* to proceed with his examination.

286. What did he tell you about the voting at the last election?—He told me he had received 5 *l.*, and "what do you think I received further?" He said, "I have received 10 *l.* for my vote from Mrs. Bencraft."

287. Is that Mrs. Incledon Bencraft?—Yes.

288. By the *Committee.*] When was this conversation?—I think somewhere about the 7th February.

289. What led you to talk about the election?—I feel a very great interest for Mr. Bremridge; that he should have been returned. I took an active part as far as that went, and the consequence was that I knew he went against us. Not only that, but he asked me in the morning if I could give him anything.

290. This is Charles Hancock?—Yes; I told him I could not give anything. "Well," said he, "I will get something from the other side." He said, "What could you give me? Nothing is no taste at all." He went from there, and by that I immediately followed him up, and in the course of conversation I heard this.

291. He admitted that he took money in February?—I will not say whether he did or did not; I believe before February he told me this, and ever since the election, that he should not have voted on the other side, for Mr. Lloyd, had he not received money. Repeatedly he told me that.

The vote of Charles Hancock was then struck off.

[Adjourned to To-morrow, at half-past One.

Veneris, 15° *die Aprilis*, 1864.

EDWARD HOWES, Esq., Chairman.

The Names of the Members were called over.—All present.

Mr. *Yorke*. We propose now, Sir, to go to the case of *John Gould King*.

Mr. *Thomas Julius Bremridge* was called in; and, having been sworn, was examined by Mr. *Yorke*, as follows:

Mr. *T. J. Bremridge*. 15 April 1864.

292. YOU are a Solicitor in Exeter, I believe?—I am.
293. Do you know John Gould King?—I do.
294. Where does he reside?—He resides in High-street, in the city of Exeter. He is an ironmonger.
295. Have you seen him lately?—I saw him on Monday last.
296. What did you say to him?—I went to him for the purpose of asking him when he ceased to reside at Barnstaple. I told him my object in so doing was with reference to the coming scrutiny in this case, and it would save time, trouble, and expense, if he would tell me when he ceased to reside at Barnstaple.
297. What did he say to you?—He said that he ceased to reside there on the 4th September 1863; previous to the last election. He had ceased to reside there in September; the election was in October. He lives at Exeter, and keeps an ironmonger's shop there.
298. *Chairman.*] He ceased to reside at Barnstaple, or within seven miles?—Yes; it is 40 miles off.
299. By the *Committee.*] Did he tell you he removed in September from Barnstaple to Exeter?—Yes; he said, first of all, that he gave up his business, I think he said in April, in the spring of the year, but he kept on his residence for the purpose of settling up matters. He really ceased to reside there, and left Barnstaple altogether on the 4th September, and he has resided since then in Exeter.
300. Did he say that he went from Exeter to vote?—He told me he had voted, because he asked me whether, his vote being on the register, his name could be struck off.
301. Did he give up his business in September?—Yes; he gave it up in April.

The vote of John Gould King was then struck off.

Mr. *Yorke.*] The next is the case of William Henry Thomas.

Mr. *Thomas Brannen* was called in; and, having been sworn, was examined by Mr. *Yorke*, as follows:

Mr. *T. Brannen*.

302. YOU reside at Barnstaple, I believe?—I do.
303. Did William Henry Thomas rent a house of you?—He did.
304. In Potter's Lane, Barnstaple?—He did.
305. When did he leave that house?—In 1862.
306. What time in 1862?—About March.
307. Where did he go?—To Cardiff, in Wales.
308. He has not since resided at Barnstaple?—He has not; he owes me for rent now.
309. By the *Committee.*] Can you identify the voter with the man alluded to?—

Mr. *T. Brannen.*

15 April 1864.

310. Mr. *Yorke.*] Do you know William Henry Thomas?—I know him very well; he owes me rent.

311. He has never been in Barnstaple since?—No.

312. And he owes you rent now?—Yes.

313. Did he vote at the election?—Yes.

314. By the *Committee.*] Where was your house?—In Potter's Lane, in Barnstaple.

315. Did you see him on the day of the election?—I did, and spoke to him.

316. Is the man who rented your house, the man who voted?—Yes.

317. He was then resident at Cardiff?—He was.

318. Is there any other William Henry Thomas in Barnstaple?—Not that I know of.

Mr. *Yorke.*] In the account signed by Mr. Incledon Bencraft, the name of William Henry Thomas appears as having received 3 *l.* 12 *s.* for his journey from Cardiff.

The vote of William Henry Thomas was then struck off.

Mr. *Yorke.*] The next is the case of George Smith.

Mr. *William Smith* was called in; and, having been sworn, was examined by Mr. *Yorke*, as follows:

Mr. *William Smith.*

319. GEORGE SMITH is your brother, I believe?—Yes.

320. And he is a voter for the borough of Barnstaple?—He is.

321. And resided at Barnstaple, I believe?—He did.

322. When did he leave it?—He left Barnstaple on the 13th March 1863.

323. Where did he go to live?—At Parrington.

324. How far is that from Barnstaple?—Twelve miles.

325. Has he ever resided in Barnstaple since that day?—No.

326. He has been there and voted at the election?—He voted at the election.

327. He went to Parrington to live on his property?—Yes.

328. By the *Committee.*] Is there any other George Smith in Barnstaple?—Not that I am aware of.

329. Where did your brother reside in Barnstaple?—In Tooley-street.

The vote of George Smith was then struck off.

Mr. *Yorke.*] The next case is that of Thomas Hooper.

Mr. *Edwin Fewings* was called in; and, having been sworn, was examined by Mr. *Yorke*, as follows:

Mr. *E. Fewings.*

330. DO you know Thomas Hooper, of Barnstaple?—I do.

331. He is a freeman of the borough of Barnstaple?—Yes.

332. Was he served with a Speaker's warrant to attend here?—He was.

333. Have you seen him?—I have.

334. When did you see him?—On Wednesday.

335. Did he say anything to you as to his having resided at Barnstaple?—He did.

336. And as to its being convenient to him to attend?—Inconvenient.

337. What did he say to you as to his residence at Barnstaple?—He said that he had not resided there up to the 31st July—was it? You have it.

338. Did he sign this paper (*producing same*)?—He did.

339. This is a declaration signed by the voter: "I have this day been served with a Speaker's warrant, and as it will be inconvenient to me to attend on Thursday, I admit that I have not resided at Barnstaple, or within seven miles thereof, since May or June 1863, and I am now residing near Bridgewater. Dated 12th April 1864." That is signed by the voter?—He could not write his name; he had to put his cross.

340. That was signed in your presence?—It was.

341. By the *Committee.*] Although he could not write, could he read?—No; I read

I read it down, and also the gentleman in whose service he is; a Mr. Greenhill, of Bridgewater, explained it to him. Mr. *E. Fewings.*

342. What is he?—He is a groom, I think. 15 April 1864.

Chairman.] There is an error here as to the number, although there does not seem to be one as to the name.

343. Mr. *Cooke.*] Is Thomas Hooper the man you got the signature of?—Yes.

344. *Chairman.*] What is this Thomas Hooper; a freeman?—Yes.

345. You heard him say this?—Yes; he put a cross to it in my presence, and I witnessed it there.

346. By the *Committee.*] You satisfied yourself that he understood the paper?—Quite so; I would not take his name to it till he fully understood it.

The vote of Thomas Hooper was then struck off.

Mr. *Cooke.*] The next case is that of James Hooper.

Mr. *James Hooper* was called in; and, having been sworn, was Examined by Mr. *Cooke*, as follows:

347. ARE you one of the freemen of Barnstaple?—Yes. Mr. *James Hooper.*

348. Did you vote at the last election for Mr. Lloyd?—Yes.

349. Were you at that time residing at Bideford?—No; I was residing at Linton.

350. That is, I believe, about 20 miles from Barnstaple?—It is somewhere about that.

351. And you travelled up to the election and voted for Mr. Lloyd?—Yes.

352. How long had you been living at Linton before the election?—Better than 12 months.

The vote of James Hooper was then struck off.

Mr. *Cooke.*] I go now to Class 1; the first in the list is Thomas Lane Blackmore.

Miss *Ellen Conybeare* was called in; and, having been sworn, was Examined by Mr. *Cooke*, as follows:—

353. I THINK your Christian name is Ellen?—Yes. Miss *Ellen Conybeare.*

354. Do you reside with your father in the Newport-road, in the borough of Barnstaple?—Yes.

355. Did you know Thomas Lane Blackmore?—Yes.

356. Did he and his family occupy a house a few doors from your father's?—About four doors.

357. In the Newport-road?—Yes.

358. Are you the collector of the income-tax for that district?—I collect for my father.

359. Your father is appointed, and you do the work?—I do the work.

360. Do you remember Blackmore and his family giving up the house and leaving Barnstaple?—Yes.

361. When was that?—They left at Lady-day 1863.

362. Has the house been shut up ever since?—Yes.

363. And empty?—And empty ever since.

364. And returned void in the list?—Yes.

365. Did you collect the income-tax for that occupation, due on the 5th April 1863 following the time he went away?—I collected it of the landlord.

366. You did collect it?—I collected it of the landlord; it was due the 20th March.

367. When was that collected by you?—It was collected in April.

368. Who paid you that?—Mr. Herne.

369. He is the landlord?—No, it is Mrs. Dyer's house.

370. He is the agent of the landlord?—Yes.

Miss *Ellen Conybeare.*

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371. Was that because the tenant had gone away and you had nobody to claim on the premises?—Yes; there was nothing on the premises.

372. And you got that income-tax paid by the landlord under the statute?—Yes.

373. Did you know, from Blackmore or his family, that they were coming to London?—I heard people talk of their going to London.

374. By the *Committee.*] Who did you hear talk?—Parties that came in.

375. Mr. *Cooke.*] The house has been void ever since?—Yes.

Mr. *Cooke.*] In the election expenses you will find that this voter is stated to have been paid his railway fare from London and back for the purpose of voting at the election—3*l.* 18*s.* 6*d.*

376. By the *Committee.*] Can you show that he was resident more than seven miles from Barnstaple at the time?——

Mr. *Cooke.*] I have another witness.

Mr. *William Smith* was called in; and, having been sworn, was Examined by Mr. *Cooke*, as follows:—

Mr. *W. Smith.*

377. I BELIEVE you are a tradesman in Barnstaple?—I am.

378. Were you acquainted with Thomas Lane Blackmore?—I know him.

379. He was in the drapery line?—Yes.

380. Did you know of his leaving Barnstaple and his family?—Yes.

381. Where for?—To the best of my knowledge he went to Teignmouth.

282. In the south of Devon?—Yes.

283. Has he ever come back to live in the neighbourhood of Barnstaple since?—No.

284. Do you know of his now being with Messrs. Leith & Co., of Old Change?—He has been with Messrs. Leith, but I think he has left at the present time.

385. Has he come back to Barnstaple?—No.

386. Was he living anywhere in the neighbourhood at the time of the election?—No.

387. He is a married man, I believe?—Yes.

388. With a family?—Yes.

389. By the *Committee.*] Did his family leave?—Yes.

390. When he went from Barnstaple, do you know that he went to live at Teignmouth?—Yes.

The vote of Thomas Lane Blackmore was then struck off.

Mr. *Cook.*] The next is the case of Matthew Hutchinson.

Miss *Ellen Conybeare* recalled; further Examined by Mr. *Cooke*:—

Miss *Ellen Conybeare.*

391. MATTHEW HUTCHINSON has a house in a place called Landkey-road; is the Landkey-road in your parish?—Yes.

392. And in the district for which you collect income-tax for your father?—Yes; above Mr. Hutchinson's we collect from.

393. I mean it is near where you live?—Yes.

394. By the river, is it?—No.

395. Did you know Matthew Hutchinson, who occupied a house in that road?—Yes.

396. What was he?—He was a gentleman then.

397. Do you recollect his going away from Barnstaple?—He left Barnstaple on the 26th September.

398. What state was the house in on Michaelmas-day; void or not void?—He was gone, because he left on the 26th September. Other tenants had took it.

399. Some new tenants came in?—Yes.

400. Then on Michaelmas-day, the 29th, there were new tenants in, and not Mr. Hutchinson?—Yes.

401. Have those new tenants continued ever since Michaelmas 1863?—Yes.

402. Have

Miss *Ellen Conybeare.*

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402. Have you assessed them, and have they paid you?—They have paid taxes twice.

403. From that Michaelmas 1863?—Yes.

404. By the *Committee.*] Do you know that he left Barnstaple, besides leaving that house?—Yes.

405. Where did he go to?—To a place called Newport, near Bristol.

The vote of William Hutchinson was then struck off.

Mr. *Cook.*] The next is the case of Francis Robert Hodge.

Mr. *Charles Edward Northcote* was called in; and, having been sworn, was Examined by Mr. *Cooke*, as follows:—

Mr. *C. E. Northcote.*

406. I BELIEVE you are a land agent at Barnstaple?—I am.

407. And one of the churchwardens?—Yes.

408. Are you acquainted with the family of Mr. Hodge, of Barnstaple?—I am.

409. Did you know Francis Robert Hodge, who in the year 1862 carried on a drapery business at Barnstaple?—Yes.

410. At that period was a brother of his in your employment, or rather under your superintendence?—Yes; he was a partner.

411. Do you remember Francis Robert Hodge giving up business at Barnstaple and going away to Tiverton?—I do.

412. What period of the year 1863 was that?—In April.

413. From your intimacy with the family, do you know him to have continued since to have lived in Tiverton, and there carry on the business of a draper?—He has.

414. I believe on his leaving Barnstaple, his father, who had lived in a private house, came and took the shop, and has continued to reside there since?—Yes.

415. And the son left your superintendence, and has been with his father to take his brother's place?—He has.

Mr. *Cooke.*] There is a charge in the expenses for this man Hodge from Tiverton.

The vote of Francis Robert Hodge was then struck off.

Mr. *Cooke* stated that he now came to a new class of cases—viz. persons who had been guilty of bribery, and who by a recent statute were liable to be deprived of their votes. The first case would be that of Benjamin Williams.

The *Chairman* inquired whether the Benjamin Williams referred to had been identified as the voter?

Mr. *Cooke* stated that he would call a witness to prove that.

Mr. *Thomas Curtis* was called in; and, having been sworn, was Examined by Mr. *Cooke*, as follows:—

Mr. *T. Curtis.*

416. WHAT are you?—A builder.

417. Living at Barnstaple?—Yes.

418. Are you an elector of the borough?—Yes.

419. Do you know Benjamin Williams, of Barnstaple?—Yes, perfectly well.

420. What is he?—A stonemason.

421. Was he a person who to your knowledge took any active part in the last election?—Yes.

422. On which side?—On Mr. Lloyd's side.

423. Do you know any other person who acted on Mr. Lloyd's side of the name of Benjamin Williams but that stonemason?—No; I know no other Benjamin Williams but him.

424. What kind of man is he?—A short, stiff man.

Alice Mucksworthy was called in; and, having been sworn, was Examined by Mr. *Cooke*, as follows:—

A. Mucksworthy. 15 April 1864.

425. IN October last were you a servant at the Golden Anchor, in Barnstaple?—Yes.
426. Kept by Charles Snow?—Yes.
427. Were you in his service on the day of the polling?—Yes.
428. When Mr. Lloyd was elected?—Yes.
429. Was the Golden Anchor one of the committee-rooms for Mr. Lloyd?—Yes.
430. Had you a great many voters there on that day?—Yes.
431. Do you know a man of the name of Benjamin Williams, a stonemason; a short, stiff man?—Yes.
432. Did you see him in the Golden Anchor on that day?—Yes.
433. Whereabouts?—In the committee-rooms.

The vote of Benjamin Williams was then struck off.

Mr. *Cooke*.] I now propose to take the case of Edmond Dark, who was described as a carrier.

Mr. *Thomas Curtis* recalled; further Examined by Mr. *Cooke*:—

Mr. *T. Curtis.*

434. DO you know Edmond Dark, a carrier of Barnstaple?—Yes.
435. Is he an elector of that borough?—Yes.
436. Does he occupy a house in Cross-street, Barnstaple?—Yes.
437. Was he a person to your knowledge taking an active part on Mr. Lloyd's behalf at the last election?—Very much so.
438. Did you see him on the hustings; I do not know whether you were there?—Well, I could not say that.

The vote of Edmond Dark was then struck off.

Mr. *Cooke*.] I now take the case of Samuel Glyde, who was proved yesterday to have given five sovereigns to Mr. Turner.

Mr. *Thomas Curtis*; Examination continued:—

Mr. *T. Curtis.*

439. Mr. *Cooke*.] DO you know Samuel Glyde, of High-street, Barnstaple?—Yes.
440. What may be his business; a chemist?—No, a china-dealer.
441. He is a voter for the borough?—Yes.
442. Did he take an active part for Mr. Lloyd at the last election?—Yes.
443. Do you know of any other Samuel Glyde, a china-dealer, in the borough, except the man who lives in High-street?—I know none; I knew him when he came to High-street first.

The vote of Samuel Glyde was then struck off.

Mr. *Cooke*.] The next is Mr. Richard Incleton Bencraft; he is the gentleman who sends the people to the Golden Anchor. I do not suppose I need trouble the Committee about that.

The vote of Richard Incleton Bencraft was then struck off.

Mr. *Cooke*.] Now, we go to the case of Charles Snow.

Alice Mucksworthy recalled; further Examined by Mr. *Cooke*:—

A. Mucksworthy.

444. YOU told me just now that you were the servant at the Golden Anchor on the day of the last election for Barnstaple?—Yes.
445. Do you remember, in the course of the day, seeing Mr. Snow, the landlord, talking to a man at the bottom of the stairs at the back of the house?—Yes.
446. About his vote?—Yes.

449. Tell

447. Tell me what you heard the man say to Mr. Snow, or Mr. Snow say to the man, about his vote?—He says: "I suppose," he says "that you are going to do as you promised?" and he says "I don't know yet;" he says, "I must have time." *A. Muckworthy.* 15 April 1864.

448. Did he say for which side he should vote?—He said which side he could get the most for.

449. Upon that what did Mr. Snow say?—Mr. Snow says, "You shall not come too short on our side."

450. Did the man upon that go away?—Yes; he went away and stopped a little while.

451. Did he then come back again?—Yes.

452. When he came back again what did he say to Mr. Snow?—Mr. Snow spoke to him first.

453. What was it Mr. Snow said?—Mr. Snow says, "Well, have you made up your mind to vote our side?" and he says, "Not yet;" and Mr. Snow says: "Well," he says, "the time is drawing short, you had better see about it."

454. Did you see Mr. Snow put his hand in his pocket?—Yes.

455. And take out any money?—Yes.

456. And give it to the man?—Yes.

457. How much was it?—It was four sovereigns and two half ones.

458. Did you see it counted?—Yes; I saw it out in Mr. Snow's hands—in that way.

459. Did the man take the money?—Yes.

460. Did he go away?—He went up over the stairs.

461. Did he then go away for a short time?—Yes.

462. Did he then come back again?—Yes.

463. Did he tell Mr. Snow he had voted?—Yes. Mr. Snow says, "Have you voted?" He says, "Yes, it is all right."

464. Who said "It is all right"?—The man.

465. What was that man's name?—Ley, I believe.

466. Edwin Ley?—I will not be positive whether it was Edwin; he was called Ley, I know.

467. You have seen him since, have you not?—Yes.

468. It was either William or Edwin Ley, was it?—I believe it was Edwin Ley.

469. Did you go with Mr. Young to see the man the other day?—Yes, on Saturday.

470. Was the man you saw when Mr. Young was with you the man you saw Snow give the money to, and who said he would vote for the side which gave him the most?—The same man.

Mr. *John Young* was called in; and, having been sworn, was Examined by Mr. *Cooke* as follows:—

471. YOU have taken an active part at Barnstaple, I believe, on behalf of Mr. Bremridge?—Yes. Mr. *John Young.*

472. Did you go with this girl, Alice Mucksworthy, one day last weekto look at a man that she pointed out to you?—I did.

473. Was that man Edwin Ley?—It was.

474. A voter for the borough?—A voter for the borough.

The vote of Charles Snow was then struck off.

Mr. *Cooke* stated that he had to make an application to the Committee, under the 26 Vict. c. 29, to strike off the name of Edwin Ley from the list, the Act giving the Committee power to strike off any voter who was proved to have been bribed, although his name did not appear in the list.

After some discussion,

The name of Edwin Ley was struck off.

Mr. *Cooke.*] The next case is that of William Verney Sanders.

Mr. *William Harris* was called in; and, having been sworn, was Examined by Mr. *Cooke*, as follows:—

Mr. *W. Harris.*

15 April 1864.

475. ARE you an elector for the borough of Barnstaple?—A freeman.

476. Well, that means an elector too, I suppose?—Yes.

477. You are a freeman, who could vote at the last election?—Yes.

478. And you did vote for Mr. Lloyd?—I did.

479. On the election-day, in the afternoon, between one and two, were you then unpolled?—I met Mr. Sanders, and went to poll.

480. At that time you were unpolled; after one o'clock?—Yes, between one and two.

481. And did you meet William Verney Sanders, who lives in Silver-street?—Yes.

482. Does he keep a clothes-shop?—No.

483. What sort of a shop?—A grocer's shop.

484. Did he ask you to vote for his friend Mr. Lloyd?—Yes.

485. And did he make any promise to you?—I should not be served worse than the rest; I was to take his word.

486. Did he give you anything to bind the bargain?—I went to poll in the first place to the square, where I used to poll.

487. Did he give you anything?—He gave me a shilling.

488. After that promise did you go and vote for Mr. Lloyd?—I voted for Mr. Lloyd before I had the shilling.

489. You got the shilling afterwards, did you?—Yes.

490. Did you apply to him for money after you had voted?—A little time after; a few days, I think.

491. Did he give you goods from his shop to the amount of 4 *l.* 12 *s.* 6 *d.*?—I had goods and money to that amount.

492. Seven shillings and sixpence in money?—Seven shillings and fourpence farthing.

493. Did you get 4 *l.* 12 *s.* 6 *d.* worth of goods?—I had 5 *l.*, goods and money.

494. In meal and malt you had 5 *l.*?—Yes.

495. What booth did you poll at?—At the jockey fair.

496. What time in the day?—Between two and three, I think; I do not know.

The votes of William Verney Sanders and William Harris were then struck off.

The room was cleared.

After some time, Counsel and parties were readmitted.

The *Chairman* stated that the Committee having already declared their decision that the Sitting Member was not duly elected, they had now come to the conclusion that the petitioner, Mr. Bremridge, ought to have been returned as having been duly elected at the last election for the borough of Barnstaple. A statement would be embodied in the Report of the names of the persons who had been bribed, and who had been struck off the poll; and also that the bribery was not proved to have come within the knowledge of Mr. Lloyd.

[Adjourned.

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

BARNSTAPLE ELECTION PETITION;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

(1864.)

Ordered, by The House of Commons, *to be Printed,*
19 *April* 1864.

219.

Under 8 *oz.*

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

BERWICK UPON TWEED ELECTION PETITION;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

(1864.)

Ordered, by The House of Commons, *to be Printed,*
15 *March* 1864.

Mercurii, 9° die Martii, 1864.

NAMES of the Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the Borough of Berwick upon Tweed:

The Honourable F. Leveson Gower.	James Banks Stanhope, Esq.
William Pollard Urquhart, Esq.	Charles Turner, Esq. (Lancashire).

ROBERT LONGFIELD, Esq., Chairman.

Jovis, 10° *die Martii,* 1864.

Ordered, THAT the Petition and Lists relative to the said Election be referred to the Committee.

Ordered, THAT the Committee do meet To-morrow, in one of the Committee Rooms of the House, at Twelve of the clock.

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REPORT.

BERWICK UPON TWEED ELECTION COMMITTEE.

Lunæ, 14° *die Martii*, 1864.

The House informed, that the Committee had determined,—

That William Walter Cargill, Esquire, is duly elected a Burgess to serve in this present Parliament for the Borough of Berwick upon Tweed.

The House further informed,—

1. That no case of bribery was proved.

2. That it was not proved that corrupt practices prevailed at the said Election.

3. That there was no evidence laid before the Committee from which they had reason to believe that corrupt practices extensively prevailed at the said Election.

4. That the Petition of Alexander Mitchell was not frivolous and vexatious.

PROCEEDINGS OF THE COMMITTEE.

Veneris, 11° *die Martii*, 1864.

THE names of the Members of the Committee called over:—All present.

The Committee agreed to the following preliminary Resolutions:—

1. That Counsel will not be allowed to go into matters not referred to in their opening statement, without a special application to the Committee for permission to do so.

2. That if costs be demanded by either party, under the 11 & 12 Vict. c. 98, the question must be raised immediately after the decision on that particular case, unless the Committee shall otherwise decide.

3. That the Committee expect that with respect to cases of bribery, or offers or promises of money, or other valuable consideration, which it is intended to bring home to the sitting Member, or his agents, the Counsel for the petitioners will now state the names of the electors bribed, or to whom such offers were so made, and those of the persons who actually gave the bribes, or offered so to do.

4. The Committee, however, reserve to themselves a power, upon the special application of Counsel, to proceed with any case which tends to inculpate any principal or agent, the knowledge of which case has been brought out before the Committee in the progress of the investigation, with the circumstances of which the parties could not be reasonably supposed to have been previously cognisant.

5. That with respect to treating, the Committee will expect Counsel to state the times and places where such treating is alleged to have taken place.

6. That with respect to undue influence, the Committee will require to be furnished with a list of the persons who are alleged to have been subjected to such undue influence, and also with a list of those who are alleged to have exercised it.

7. The Committee, however, reserve to themselves a discretionary power, as in cases of bribery.

8. That no person shall be examined as a witnesss who shall have been in the room during any of the proceedings, with the exception of the agents, whose names shall be handed in, without the special leave of the Committee.

9. That the Committee will only allow one Counsel to address them on opening the case, and one Counsel on the summing up.

10. That if any point of law should arise requiring argument, the Committee reserve to themselves the power of hearing only one Counsel on each side.

11. That if the leading Counsel are not prepared to sum up the case on either side when the evidence is terminated, the Committee will not protract the proceedings for the convenience of Counsel who may be absent.

12. That with respect to objected votes, the Committee expect Counsel to exhaust one class of objections before proceeding to another.

Parties informed of the decision of the Committee.

The Petition of Alexander Mitchell, Esquire, complaining of an undue Election and Return for the Borough of Berwick-upon-Tweed, was read.

Counsel for the Petitioner:—Mr. *Phinn*, Q. C., Mr. *Welsby*, and Mr. *Davison*.

Agents:—Messrs. *Bircham*, *Dalrymple*, *Drake*, and *Ward*.

Counsel for the sitting Member:—Mr. *Cooke*, Q. C., Mr. *Stuart*, and Mr. *Clerk*.

Agents:—Messrs. *Wilkinson*, *Stevens*, and *Wilkinson*, and Mr. *R. B. Weatherhead*.

The Short-hand Writer, Mr. *Francis Neate Walsh*, was sworn by the Chairman.

Mr. *Welsby* was heard to open the case of the Petitioner, and stated that, with the permission of the Committee, he proposed to go into the case of scrutiny first, on the ground that two persons guilty of bribery, M'Gall and Lockwell, had absconded, and could not be served with the Speaker's Warrant.

Mr. *Cooke* was heard in objection.

The Committee decided not to take the case of scrutiny first.

Mr. *Phinn* applied to the Committee for a summons for Selby Lockwell and William M'Gall, and in the event of their non-attendance, to report to The House, under Act 11 & 12 Vict. c. 98, s. 83.

The Chairman stated that these persons not having been summoned by the Speaker's Warrant, the Committee had no power to report to The House their refusal to attend, but the Committee would grant a summons for their attendance, if they so desired.

Mr. *Phinn* stated, that the Speaker's Warrant had been issued, but they could not be found.

Mr. *James Richard Naylor* sworn and examined, produced Writ and Return, and three Poll Books.

Mr. *James Allen*, sworn and examined, produced Register in force at time of the Election.

Mr. *Edward Willoby* sworn and examined, produced statement of election expenses.

Isabella Hush, *George Hush*, *John Flint*, and *David Anderson*, severally sworn, and examined.

Mr. *Phinn* applied to the Committee to make a report to The House of the absence of William M'Gall and Selby Lockwell to avoid service of Speaker's Warrant, under Act 11 & 12 Vict. c. 98, s. 83.

Room cleared, and the Committee deliberated.

Resolved,—That section 83 does not give the Committee power to make such report, as the Witnesses in question have not been summoned.

Parties called in and informed thereof.

James Cleghorn, *Barbara Edgar*, *Samuel Edgar*, and *Edward Harbottle Hogg*, severally sworn, and examined.

John Farnell sworn, and examined.

[The Committee adjourned to To-morrow, at Eleven.

Sabbati, 12° *die Martii*, 1864.

Names of the Members called over. All present.

William Brown and *Mark Sample* severally sworn, and examined.

James Gallagher, *George How*, *Charles Birt*, and *George Muir*, severally sworn, and examined.

Room cleared, and the Committee deliberated.

Parties called in.

Peter Young, *George Storey*, *Edward Fernie*, and *William Robinson*, severally sworn, and examined.

Mr. *Phinn* applied to the Committee to make a special report to The House for leave to adjourn until after the Easter holidays, in order to procure the attendance of William M'Gall and Selby Lockwell, and called

Charles Birt, already sworn; examined with reference to the alleged abduction of these witnesses, and the efforts made by the Agents for the petitioner to discover them, and to serve the Speaker's warrant upon them.

Thomas Hood sworn, and examined with reference to the same point.

Mr. *Clerk* addressed the Committee against the application of Mr. Phinn.

Mr. *Phinn* was heard in reply.

Room cleared, and the Committee deliberated.

Motion made, and question proposed, "That Mr. Phinn's application be refused"—(Mr. *Banks Stanhope*).—Question put—The Committee divided:—

Ayes, 3.	Noes, 2.
Mr. Banks Stanhope.	Mr. Pollard Urquhart.
Mr. Turner.	Mr. Leveson Gower.
Mr. Longfield.	

Parties called in, and informed of the decision of the Committee.

[Adjourned to Monday, at half-past Eleven o'clock.

Lunæ, 14° *die Martii*, 1864.

Names of the Members called over; all present.

Mr. *Phinn* stated, that it was not the intention of the petitioners to go on with the case.

Room cleared; the Committee deliberated.

1. *Resolved*, That William Walter Cargill is duly elected a Burgess to serve in this present Parliament for the borough of Berwick-upon-Tweed.

2. *Resolved*, That no case of bribery was proved.

3. *Resolved*, That it was not proved that corrupt practices prevailed at the said Election.

4. *Resolved*, That there was no evidence laid before the Committee from which they had reason to believe that corrupt practices extensively prevailed at the said Election.

5. *Resolved*, That the Petition of Alexander Mitchell was not frivolous and vexatious.

Ordered, To report the above Resolutions to The House, together with the Minutes of Evidence.

MINUTES OF EVIDENCE.

LIST OF WITNESSES.

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MINUTES OF EVIDENCE.

Veneris, 11° *die Martii*, 1864.

MEMBERS PRESENT :

Mr. F. L. Gower.	Mr. P. Urquhart.
Mr. J. B. Stanhope.	Mr. C. Turner.

ROBERT LONGFIELD, Esq., IN THE CHAIR.

THE names of the Members were called over.—All present.

The Petition of Alexander Mitchell, Esq., complaining of an undue return at the last election for the Borough of Berwick upon Tweed, was read.

Mr. *Phinn*, Q.C., Mr. *Welsby*, Q.C., and Mr. *Davison*, appeared as Counsel for the Petitioner.

Messrs. *Bircham*, *Dalrymple*, *Drake*, and *Ward*, appeared as Agents.

Mr. *Cooke*, Q.C., Mr. *Stuart*, and Mr. *Clerk*, appeared as Counsel for the Sitting Member.

Messrs. *Wilkinson*, *Stevens*, and *Wilkinson*, appeared as Agents.

Mr. *Welsby* was heard to open the case on behalf of the Petitioner.

Mr. *Cooke* objected to the course proposed to be taken by Mr. Welsby.

Mr. *Welsby* was heard in reply.

The Committee decided in favour of Mr. Cooke's objection.

Mr. *Phinn* applied to the Committee for a summons against two persons, named M'Gall and Lockwell.

The Committee refused.

Mr. *James Robert Naylor* was called in; and, having been sworn, was Examined by Mr. *Welsby*, as follows:

Mr. *J. R. Naylor.*

11 March 1864.

1. YOU are a clerk in the Crown Office?—Yes.
2. Do you produce from the Crown Office the writ and return of the last election for the borough of Berwick upon Tweed?—I do (*producing them*).
3. Will you state the dates?—The date of the writ is the 22d of June, in the 27th year of the reign, and the date of the return is the 29th of June 1863.
4. And the substance of the return is, that Mr. Cargill is declared to be duly elected?—Yes; that they have elected and chosen William Walter Cargill, Esq.
5. Have you also the poll books?—I have (*producing them*); they are three in number.
6. It may be taken, I suppose, that the numbers are as I opened them?—Mr. *Cooke.*] Yes.

Mr. *J. R. Naylor.*

11 March 1864.

Cross-examined by Mr. *Cooke.*

7. I suppose the poll books are in the same condition as they were when you received them?—Exactly.

8. What is that letter inside?—That is a letter which the statute directs should be sent with the poll books, describing them.

Mr. *Welsby.*] It may be taken that the numbers for Mr. Cargill were 328, and for Mr. Mitchell 310; I see the poll books show whether the parties voted as householders or as freemen; the number of householders who voted for Mr. Cargill was 80, and the number of freemen 248, making a total of 328; for Mr. Mitchell the number of householders was 232, and freemen 78, making a total of 310; it is also the fact, that a considerable number of freemen are also householders, about 120, I think.

Mr. *James Allen* was called in; and, having been sworn, was Examined by Mr. *Welsby*, as follows:

Mr. *J. Allen.*

9. ARE you the Sheriff, or what?—The Sheriff.

10. Of the county of the town of Berwick upon Tweed?—Yes.

11. Do you produce the register of the voters which was in force at the last election?—Yes (*producing it*).

Cross-examined by Mr. *Cooke.*

12. Is that which you produce the copy that you received from the Town Clerk?—Yes.

13. When an election takes place for Berwick upon Tweed, do you supply copies to the agents of the candidates, or do they apply to the Town Clerk?—That is a question which I cannot answer.

14. Is it your business to print them?—No; the Town Clerk prints them.

15. When you receive this book from the Town Clerk, you do not trouble yourself with any other copies of it?—No.

16. This book, then, was in your custody at the time of the last election?—It was in the custody of the then sheriff.

17. What is the name of the sheriff?—Dr. Call.

18. I suppose he was baptized with some name?—Alexander Call.

19. This book you received from Mr. Alexander Call?—Yes.

20. Not from the Town Clerk?—No.

21. When did you get this book from Mr. Alexander Call; since the 9th of November?—Yes, since then.

Mr. *Edward Willoughby* was called in; and, having been sworn, was Examined by Mr. *Welsby*, as follows:

Mr. *E. Willoughby.*

22. YOU are the returning officer?—Under sheriff; I was the under sheriff of Alexander Call, Esq., who was the returning officer.

23. At the time of the election?—At the time of the election.

24. By the last Act of Parliament, the 26th Vict. c. 29, the office of election auditor is done away with; and by the 4th section a statement of the election expenses is to be made out within two months of the election, signed by the election agent, and delivered to the returning officer. Have you got the accounts of expenses delivered to you on behalf of the returning officer under that Act of Parliament?—I have.

25. Just let us see what they are, if you please. When were they delivered to you?—Those on behalf of Mr. Mitchell were delivered on the 28th of August, I think, and the others, I believe, were delivered on the same day.

26. Do you remember from whom you received the account of Mr. Cargill's expenses?—Mr. Jonathan Rowland, the agent for election expenses.

27. And Mr. Mitchell's?—Mr. Mitchell's came to me in this envelope. I know the writing; it is signed "G. Y."; that is George Young, who was the agent for election expenses.

Cross-examined by Mr. *Cooke.*

28. You say you were the under sheriff to Alexander Call?—Yes.

29. Who was the sheriff?—Who was the sheriff and returning officer.

30. Was it your duty, as under sheriff to Mr. Call, to furnish the deputy mayors who presided at the booths with books to go by?—Yes.

31. Was that book at all used in any booth at the election?—This was not, certainly.

32. That is a clean new copy?—A clean new copy.

33. Had you ever that book in your possession?—Yes.

34. And did you hand that book to the gentleman who brought it here, Mr. Allen?—To his under sheriff.

35. The books used at the election would be books supplied by the Town Clerk?—No; they were examined copies from this book by me.

36. That is, they were copies of that book?—Yes, printed copies.

37. What became of them?—That I do not know.

38. You gave them to the Deputy Sheriff?—Yes.

39. How many booths had you?—Three.

40. You furnished each presiding officer at those booths with a copy of that register?—Yes; I being one of them, I kept my own.

41. Where is that one?—I think I have it here.

Mr. *Welsby.*] In the statement of the election expenses of Mr. Cargill we find, among other items, "Paid Ellison, Cuthbertson, and Ewart, for their attendance and assistance during the canvass, 6 *l.* 10 *s.* each." Then there is another item in the same account: "Paid Ellison and Cuthbertson for delivering circulars, 15 *s.*," and here is Cuthbertson's bill: "W. W. Cargill, Esq., M.P., to A. L. Cuthbertson, 1863, June 17th to 29th, to canvassing at election, 6 *l.* 10 *s.*;" and on a stamp are the words, "Paid 6 *l.* 10 *s.*" That is signed Anthony L. Cuthbertson. Then there is another: "W. W. Cargill, Esq., to Anthony L. Cuthbertson, Berwick, 8th July, 1863; to delivering circulars on 7th, 8th, and 9th of July, 7 *s.* 6 *d.* Paid 7 *s.* 6 *d.*, Anthony L. Cuthbertson." Then this account also contains these items: "Paid R. B. Weatherhead, Esq., solicitor, 100 *l.* Paid Jonathan Rowland, solicitor, 100 *l.*"

Isabella Hush was called in; and, having been sworn, was Examined by Mr. *Welsby*, as follows:

Isabella Hush.

42. ARE you the wife of George Hush, of Berwick?—Yes.

43. He is a porter to some gentlemen who carry on the business of wine and spirit merchants?—Yes.

44. Messrs. Kay & Co.?—Yes.

45. Is he a freeman of the borough?—Yes.

46. George Hush, Chapel-street, Berwick, is that him?—Yes.

47. Do you remember the election that took place on a Monday?—Yes.

48. Do you remember on the Sunday night before going up Castlegate?—Yes.

49. About what time do you think that was?—Between nine and ten o'clock, as nigh as I can mind.

50. Did you see William M'Gall?—I did.

51. Where did you see him first?—Well, sir, I met him at his own door.

52. Did his house go by any particular name in Berwick?—No.

53. Did you say anything to M'Gall?—I went forward, and I asked him if he could support me a little bit when he was in the way of doing it.

54. Those were the words you used, as far as you remember?—Yes.

55. What did he say to that?—He said he had not got much change in his pocket at present, but that he would see me after.

56. Did he say anything more?—No.

57. Anything about seeing your husband?—He seed my husband on the Monday morning.

58. Did he say anything then about seeing him on the Monday morning?—No.

59. On the Monday morning were you and your husband in the High-street?—Yes.

Isabella Hush.

11 March 1864.

60. Together?—Yes.

61. Do you know a man of the name of William Alder?—Yes.

62. He is a currier in the High-street, is he not?—He is.

63. Did William Alder come to you and your husband?—He seed my husband first, and then he seed me across the street, and he came across the street to me.

64. Did he say anything to you?—Yes; he asked me what I would have, and I said, if it was his pleasure, I should have 5 *l.*

65. Did he say anything then?—Well, he went away then, and went across the High-street.

66. Who did he go to?—He went across the High-street to Mr. M'Gall, opposite Mr. Fleming's shop.

67. What became of them then?—Then they turned up the High-street, towards the Scotch Gates; they both joined together at the head of the Scotch Gates, and I do not know what they done then; but Mr. Alder came down the High-street, and stood at Mr. Hogg's door, and called to me across the street.

68. Did you go across to him?—I did.

69. Did your husband?—He was coming up the high-street, and he called him too.

70. So you both went to him, did you?—Yes.

71. Did he take you anywhere?—He took us upstairs, to Mr. Hogg's upstairs room.

72. Is that a public-house?—Yes.

73. When you got upstairs what happened?—Well, both my husband and myself sat down on a sofa; there was not many chairs, and he put his hand in his pocket.

74. Alder?—Yes, and gave me 5 *l.* in gold; sovereigns; and I called for a shillingsworth of whisky, and gave him a glass of whisky for his kindness.

75. When he had drunk the whisky, which I presume he did, what happened?—Then George, of course, took a little drop, and they went out together.

76. Did he say where they were going?—He said he should come down with him; and I said, "Come down street with me, George," and George says, "Yes, I am coming down street."

77. What became of you?—I came out, and went away home. I had not my hat and shawl on, and I went home and got my hat and shawl.

78. Do you know a person named John Flint?—Yes.

79. I believe you clean his room, do you not, and wash his clothes for him?—I do.

80. Did you see Flint on that morning, and ask him to go anywhere with you?—I saw him in the course of the morning, and I asked him to come and have a glass of ale if he felt inclined; so he said he was pretty dry, and so he went to Mr. Dumbell's public-house, and called for a glass of ale and a sandwich.

81. Did you and Flint go into an upstairs room?—We did not go upstairs at that time; we went into a back room.

82. Did you give Flint anything?—Before I went upstairs I gave him three sovereigns at the foot of the stairs.

83. What for?—For to keep for me.

84. You thought it safer in his hands?—I did so.

85. Did you give him any other money afterwards?—My husband gave him a sovereign afterwards.

86. In your presence?—No, not in my presence.

Cross-examined by Mr. *Cooke.*

87. Flint and you have been acquainted for some time?—For four years.

88. Did you give any part of these five sovereigns that you say you received to your husband?—No.

89. No part of the five sovereigns?—No.

90. What did you do with the other two?—I had some bits of things to pay, and the like of that, and I distributed it as well as I could.

91. Do you and Flint live together; you know what I mean?—No.

92. Do

92. Do you not pass the night together?—No, never.

93. Are you the person named Hush who they punished for keeping an improper house the other day?—The other day?

94. Some time ago?—Yes.

95. What they call a brothel?—I was so; but I am quite returned from that way now.

96. Was Flint one of the men they were cruel enough to say frequented that house?—No, he never did; he did not know me at that time.

97. I do not want to go very much into it, and therefore if you will answer my questions it will save a great deal of trouble. Did they not accuse you and Flint of being intimate together at nights?—No.

98. How came you to fix on him to give him the three sovereigns, instead of your husband?—Because I cleaned his house, and I thought he could keep them better than I could.

99. When did you get them from him again?—I got them in about a fortnight's time.

100. How long have you been from Berwick just now?—I came yesterday morning.

101. When did you first mention to anybody about these five sovereigns?—About a fortnight ago, or thereabouts.

102. Was that the first time you mentioned about having had five sovereigns from Alder?—Yes, that I had; but I suppose Flint had mentioned it before that.

103. A fortnight ago was the first time you had told anybody about the five sovereigns?—Yes.

104. Have you ever been in London before?—No.

105. Who was it came to you a fortnight ago?—Well, John was telling me that he was rather doubtful that he would be called upon.

106. That is John Flint?—Yes.

107. Now, answer my question: who was the party to whom you first mentioned having received five sovereigns from Alder?—John Flint was the first; I told it to no person else but him.

108. Did Flint inquire of you where those sovereigns were obtained from, then?—Yes, he asked me where I got them.

109. At that time did he tell you he was going to London?—No.

110. How long were you in prison when they did put you there?—Six months.

111. What time of day do you say it was when Mr. Alder gave you this money?—Half-past nine o'clock in the morning.

112. *Committee.*] How much have you got for coming to London?—Me? From whom?

113. From anybody. How much have they given you for coming up?—I just got my passage paid.

114. Did you not get anything else?—I got something for to get some clothes to put on.

115. How much?—£. 2.

116. Did they pay your passage back too?—I do not know yet; I expect they will.

117. How much have they promised you for coming to give evidence; tell us; do not be afraid.—They promised me nothing.

118. Did you come up by railway, or by sea, or how?—By railway.

119. They gave you a railway-ticket and 2 *l.*?—I got 2 *l.* to put clothes on me; I could not come without any clothes on me.

120. Have you been here since Monday?—Since yesterday morning.

121. And they have promised you nothing more?—No.

122. Who pays the expenses of your living now?—I am living in the Strand.

123. And you expect they will pay the expenses of your living also?—Yes.

Re-examined by Mr. *Welsby.*

124. Your railway fare was paid?—Yes.

125. And your husband's railway fare?—Yes.

126. You had 2 *l.* to get clothes with, and are living in the Strand?—Yes.

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127. How long ago was this matter about the bad house?—Well, it is about nine years.

128. You say that Flint asked you where you got the sovereigns?—He did.

129. When was it that Flint asked you that?—When I told him that I had got them on the Monday forenoon.

130. That same Monday?—Yes.

George Hush was called in; and, having been sworn, was Examined by Mr. *Davison*, as follows:

George Hush.

131. ARE you a porter in the service of Kay & Son, wine merchants at Berwick?—Yes.

132. Are you a freeman of the borough of Berwick-upon-Tweed?—Yes.

133. Do you remember the polling-day at the last election?—Yes, I do.

134. Do you know William M'Gall?—Yes.

135. Have you known him for some time?—I had not known him before that Monday morning.

136. Had you seen him about Berwick?—Yes.

137. Did you know him by sight?—Yes.

138. Do you know William Alder?—Yes, I do.

139. Had you known him by sight before?—No.

140. You had not known him by sight?—No.

141. You had not seen him before?—No.

142. Where do you live?—In Chapel-street.

143. About what time did you go out that morning?—I came out of my house about half-past seven o'clock, and came opposite Mrs. Ransom's shop, and he came up.

144. Who came up?—Mr. M'Gall. I was opening the shop when he came to us, and said Mr. Alder wanted to see us, and I said I had not time.

145. What is the name of the person who M'Gall said wanted to see you?—Mr. Fleming's man, Mr. Alder.

146. What is Mr. Fleming?—A currier.

147. Is Mr. Alder one of his men? Did Mr. Alder vote for Mr. Fleming?—Yes, he voted for Mr. Fleming,

148. When Mr. M'Gall said that Mr. Fleming's man wanted to see you, what did you say?—I said I had not time. My shop was to open at eight o'clock, and if he wanted to see me he was to come down to me.

149. Did you go home after that?—Yes, at nine o'clock.

150. And had your breakfast?—Yes.

151. After you had had your breakfast, did you go out again?—Yes.

152. Who went with you?—My wife and me went together.

153. Is there a place called Weatherley-square?—Yes

154. When you got to Weatherley-square, did you see anybody there?—I saw Mr. Alder and Mr. M'Gall speaking together by the Scotch Gates.

155. Did either of them speak to you?—Yes.

156. Which was it?—Mr. Alder.

157. Were they on the same side of the street as you were when you first saw them?—On the opposite side of the street.

158. Then did Mr. Alder come across and speak to you?—No, we was in the house.

159. Who went into the house?—We were all three in together.

160. You and your wife and Alder?—Yes; and Mr. Alder.

161. What passed between you when you went into the house?—My wife called for some whisky.

162. What was said to you? What did Alder say to you?—He spoke to my wife, and asked her how much she would have.

163. Did you hear what he said to your wife?—I am very dull of hearing; I was opposite the table.

164. Did you hear anything that Alder said to your wife?—No; I was across the table, and I said I must go away and mind my shop.

165. Did you see any money?—No, I did not see it.

166. Did you say anything about money?—No.

167. Nor

167. Nor your wife that you heard?—No.
168. What became of Alder?—He went down along with us.
169. You went to the poll?—Yes.
170. Was that before opening your shop?—After opening my shop.
171. About what time of the day did you poll?—About 10 o'clock, as near as I can guess.
172. Who did you vote for?—Cargill.
173. Had you seen your wife again before you polled?—No, I did not see her; I saw her at dinner-time, at one o'clock.
174. Did you see her after you went into this house with Alder?—Yes.
175. Did she come out with you, or did you leave her there?—We went out all together.
176. Where did your wife go to? Did she go with you, or did she leave you?—She left us.
177. Did Alder leave you?—No; Alder and me went down the street together, and she went home.
178. Did your wife tell you anything?—No, nothing.
179. After polling, did you go into Mrs. Finlay's house in Church street?—Yes, I did.
180. Do you know a Mr. Fazakerly?—Yes.
181. Did he come in whilst you were there?—I went into Mr. Kay's shop to see what was going on, and I came straight up to my shop by Mrs. Finlay's.
182. It is a publichouse?—Yes.
183. Did you go into the back room?—A back room.
184. Did Mr. Fazakerly come in while you were there?—He came in.
185. When Mr. Fazakerly came into Mrs. Finlay's, did he say anything to you?—Nothing.
186. Nothing?—He asked me, "Have you polled?" and I said, "Yes."
187. What did you tell him? Did you tell him who you had voted for?—I told him I had voted for Cargill.
188. What did he do then?—He gave me two half-sovereigns.
189. Had you known him some time?—I had, but I had not seen him.
190. Had he ever given you a sovereign before?—Never.
191. Or since?—No.
192. Has he given you two half-sovereigns since that, on any occasion?—Two half-sovereigns.
193. But has he ever given you two half-sovereigns except at that time?—I took it from him.
194. What did you do with the two half-sovereigns he gave you?—I gave it to Mr. Flint to keep for us.
195. Your passage to London was paid for you, was it not?—No.
196. Have you paid your own?—Yes.
197. Was money given to you to pay for it?—No; I got no money when I came away.
198. Did your wife give it to you, or did your wife pay for you?—Flint paid mine and hers altogether.
199. And you are living in the Strand, with your wife?—Yes.

Cross-examined by Mr. *Cooke*.

200. What makes you say you are living in the Strand? Where are you living in London?—I do not know the house.
201. You have never been here before?—No; I am quite a stranger here.
202. When did you first mention to anybody that you had received two half-sovereigns from Fazakerly?—I never told anybody.
203. Did you not tell anybody before that gentleman (Mr. Davison) asked you about it?—I told nobody.
204. Did you not tell Flint?—I gave my money to Flint to keep for us.
205. Did you ever tell anybody till to-day that Mr. Fazakerly had given you two half-sovereigns?—I called for a pint of beer and fetched one of the half-sovereigns out, and I thought I had got two sixpences. I put the half-sovereign on the table.

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206. You put two half-sovereigns on the table?—No; I put one on the table.

207. Where?—At Mrs. Finlay's. I called for a pint of beer, and put down half-a-sovereign to pay for the pint of beer.

208. At Mrs. Finlay's?—Yes.

209. Did they change it?—No.

210. When did you tell anybody you could prove this if you were brought up to London?—I did not tell anybody.

211. Did you never tell anybody why you came here?—There was very little occasion for fetching me here.

212. Did you know that your wife had got a new bonnet and a new dress to come to London?—No.

213. Did you not know that your wife had got a new bonnet and a new dress to come here?—She has had a new bonnet on this twelvemonth.

214. Take care what you are saying?—She is very seldom out.

215. You had to go to prison with her the other day, had you not—to the gaol?—No.

216. Were you never in gaol? Come, I am obliged to ask you: were not you and your wife both sent to gaol for six months?—Three months.

217. How long ago is it; this year or last?—It would be five or six years ago.

218. Take care, because I am told differently. How long do you mean to say it is ago since you were sent to prison for three months? Did they keep your wife there longer than you?—Yes.

219. Six months?—She got six.

220. And you got three?—Yes.

221. Please to tell me how long that is ago; is it two or three years ago?—It would be four or five years ago.

222. Do you really mean to tell me that?—Yes.

223. Mr. Flint and your wife have been acquainted for some time, have they not?—Yes.

224. Then you have had no money given to you for coming here?—No.

225. Have you not?—Nothing.

226. Is not that a coat and trousers that you have had lately?—I got the loan of it from the landlord.

227. In the Strand?—No; Mr. Flint.

228. Mr. Flint lent them to you?—Yes.

229. They were Mr. Flint's coat and trousers, then?—Yes.

John Flint.

John Flint was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

230. YOU are a journeyman shoemaker?—Yes.

231. Living at Berwick?—Yes.

232. Who do you work with?—Mr. Windlaw.

233. I believe you have no vote?—No.

234. You occupy a room in Chapel-street?—Yes.

235. Who cleans your room for you, and cooks for you, and looks after you?—Isabella Hush.

236. Do you remember the last election in June?—Yes.

237. Last year?—Yes.

238. Did you see Mrs. Hush that day?—Yes.

239. Did you go anywhere with her?—Yes.

240. Where?—To Mr. Dumbells.

241. That is a publichouse?—Yes.

242. Did she treat you with some ale?—A glass of ale and a sandwich.

243. What time in the day was that?—I could not exactly say.

244. Was it before or after dinner?—Before dinner I think it was.

245. What time do you dine at Berwick?—One o'clock.

246. It was before one o'clock?—Yes.

247. Who paid for the ale and the sandwich?—Mrs. Hush did.

248. After you had had the ale and sandwich, did she give you anything?—Yes.

249. What did she give you?—She gave me 4 *l.* in gold.

250. Did

250. Did she tell you what you were to do with it?—She said I was to keep it for her.

251. You know her husband, do you not?—Yes.

252. Do you remember seeing him on the polling-day?—Yes.

253. How long after you had seen Mrs. Hush?—I think about an hour, or an hour and a half.

254. Did he give you anything to keep that day?—Yes; he gave me two half sovereigns.

255. I believe after the election you returned the money, did you not?—Yes.

256. How long after the election?—About a fortnight I think it would be.

257. Whom did you give it back to?—Mrs. Hush.

Cross-examined by Mr. *Cooke*.

258. Were you in the room while Hush and his wife were examined?—We were.

259. In this room?—No.

260. I understand you to say that you work for Mr. Windlaw?—Yes.

261. Had you previously worked for Mr. Rankin?—I never wrought for Mr. Rankin.

262. Mr. Windlaw, I am told, took a very active part for Mr. Mitchell?—Not to my knowledge.

263. Did you not hear that he was a supporter of Mr. Mitchell's?—I heard he voted for him, but that is all I know about it.

264. How long have you been acquainted with Mrs. Hush?—I think about four years, or three years and a half; I could not exactly say the length of time.

265. You knew of her being in prison?—Not to my knowledge.

266. Did you not know that she was in prison for six months?—Not since I fell acquainted with her; I know that she was in prison before, but not since I was acquainted with her.

267. Was it when she came out of prison that you took to her?—No; not till a good bit after that.

268. The 4 *l.* you speak of, did you ever give that back again?—To be sure I did.

269. When did you give it back again?—About a fortnight after.

270. The whole of it?—Yes.

271. The two half-sovereigns and the 4 *l.*?—Yes.

272. When did you communicate with Mr. Mitchell's friends about these four sovereigns and two half-sovereigns?—It was on the election day; on the day that the election was, in the afternoon.

273. Who was the person to whom you mentioned the circumstance?—First of all?

274. Yes?—It was Mr. Turner.

275. What is Mr. Turner?—A grocer.

276. Did you know, before a fortnight ago, that you were to come to London?—I could not exactly say when; it is not many days since.

277. Before Christmas?—No; I did not know then.

278. Can you give me any notion when you were told that you would be wanted in London?—No. I could not say exactly; I gave myself very little uneasiness upon the subject at all.

279. Were you asked to speak to Hush and his wife upon the subject?—No.

280. Did you speak to Mrs. Hush about coming to London?—No.

281. Did you not tell her that you thought you would probably go to London, and that she must prepare to come too?—No.

282. About a fortnight ago, did you not tell her that you knew you were coming to London?—No; not to my recollection.

283. You did not tell her that she must come to London, to support what you were going to say about the money?—Not to my recollection; I never did.

284. Could you have told her that a fortnight or three weeks ago, and have forgotten it?—I never recollect telling her so.

285. Have you never intimated to her that she probably would get a journey to London, to come and tell about these sovereigns which she had given to you?—I may have said so, but I do not recollect it.

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286. At all events, you have not done so within the last two or three weeks?—I cannot recollect ever saying so to her.

287. Nor to the man?—No, nor to him either.

288. Were you surprised, then, to find that they were coming with you to London?—Yes; I was a little, when I heard of it.

289. Did you pay their fare to London?—No; I paid their fare to Newcastle.

290. Did you take their tickets at the Berwick station?—No.

291. Or did you pay any money for them?—No; not at the Berwick station.

292. Did you at any station?—I paid their fare to Newcastle.

293. From the Berwick station, I suppose?—No; from the Tweedmouth station.

294. That is on one side of the river, and Berwick is on the other?—The one is called the Berwick station, and the other the Tweedmouth station. I took my tickets at the Tweedmouth station.

295. Is Chapel-street, where Hush lives, on the Tweed side of the river?—It is in the same street as I live in.

296. Do you live in Berwick?—Yes.

297. What brought you all to the Tweedmouth station, then?—Because I thought it better to have a walk.

298. You thought it better to walk a little way out of the town, and go to the Tweedmouth station instead of the Berwick station?—Yes.

299. Did you pay for their tickets from the Tweedmouth station, to Newcastle?—Yes.

300. Where did you get the money from?—I had money of my own.

301. Do you mean to swear that it was money of your own that paid for those tickets?—Yes.

302. Had you no money given to you previous to your leaving Berwick to come here?—I got one pound; one sovereign.

303. One sovereign only?—Yes.

304. When did you get that?—I got it in the afternoon before I came away.

305. In the afternoon before you came away, did you know that Hush and his wife were coming up?—Yes.

306. How soon before that afternoon did you know they were coming up?—At one o'clock, as I got my dinner; that was when I knew.

307. Did you lend the man a pair of trousers and a coat to come up in?—Yes.

308. When did you do that?—After I got my dinner.

309. You heard that he was coming to London?—Yes.

310. When did you agree to rig him out in your coat and trousers?—I gave them him then, I say.

311. Then, you knew at that time that they were going to London?—Yes.

312. Did you arrange then to pay their fare from Tweedmouth to Newcastle?—Yes.

313. And did you arrange that you should all walk to Tweedmouth?—Yes.

314. What was the fare from Tweedmouth to London?—I only took a ticket to Newcastle.

315. Who paid for you three from Newcastle to London?—Mr. Turner gave us tickets there to London.

316. When was the sovereign given to you?—It was given us that day.

317. The day you lent the trousers?—Yes, the same day that I came away to go to London.

318. Did you give the woman 2 *l.* to rig her out in new clothes?—No.

319. Do you know by whom she was paid?—No; I know nothing about it.

320. Did you not ask her, when you saw her more smart than usual, where her new clothes came from?—No; it was not a thing I had anything to do with.

321. Do not be angry with me.—I do not come here to be teased in that way; I come here to speak the truth, and nothing but the truth.

322. Have you paid anything since you have been in London?—No, nothing; I did not expect to pay anything; I expected to be kept here and sent home again.

Examined by the Committee.

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323. How much did the woman give you on the day you are talking of? How much did Mrs. Hush give you on the day of the election?—She gave me 4 *l.* in gold.

324. And the husband afterwards gave you two half-sovereigns?—Yes.

325. That was 5 *l.* altogether?—Yes.

326. She gave you the four sovereigns on that day?—Yes.

327. At the same time?—No, not at the same time; before I got it from the husband.

328. But she handed you four sovereigns together?—Yes.

329. And then some time after that the husband handed you two half-sovereigns?—Yes.

330. It was the same day?—The same day.

331. When did you return Mrs. Hush's four sovereigns?—About a fortnight after.

332. And when did you return Mr. Hush his sovereign?—The mistress got the five sovereigns all at once from me.

333. Did you give her five whole sovereigns?—I gave her the whole of the money as I received it; I never changed it. She said, "You will keep it for me, and I will ask you for it when I need it."

334. You gave her the five sovereigns back?—Yes.

David Anderson was called in; and, having been sworn, was Examined by Mr. *Welsby*, as follows:

D. Anderson.

335. DO you live in Tweed-street, Berwick?—I live in an entry that comes into Tweed-street.

336. What are you?—A cooper by trade.

337. Do you remember the Saturday before the last election?—I do.

338. On the evening of that Saturday were you standing at your back door?—I was.

339. About what time?—A quarter before seven, or 20 minutes; I cannot say to a minute. That is the time.

340. Is Mr. Weatherhead's house near yours?—Yes.

341. How far is it off?—The back door from ours is about 25 yards, but I was nigher to Mr. Weatherhead's door. Mr. Dunlop's door is between Mr. Weatherhead's and our back door.

342. When you were standing at your back door, did you see anybody standing at Mr. Weatherhead's door?—I saw Mr. M'Gall and George Bogue.

343. George Bogue lives next door to you, does he not?—He lives in the same yard, next door.

344. You know him well?—I know him well.

345. He is a freeman, is he not?—Yes.

346. Were they talking together?—They were.

347. You could hear that they were talking?—Yes, but I did not hear what they said.

348. After they had talked some time, did you see Mr. M'Gall do anything?—I saw Mr. M'Gall give George Bogue some money.

349. In the first place, did you see where Mr. M'Gall got it from? Did you see where he took it from?—Mr. M'Gall took three pieces of gold out of his right-hand pocket, sovereigns, or half sovereigns,—I know not which, but they were gold,—and he put them into Bogue's right hand, and Bogue put them into his left hand, and counted them in his left hand, the three, and then he put them into his pocket. He then went three times round on his heel, and lifted his hat three times, and thanked him, and went off, and Mr. M'Gall lifted his hat off his head, and thanked him the same.

350. Where did Mr. M'Gall then go?—He looked through the crevices of Mr. Weatherhead's back door, and kicked for admittance, and he got admittance, but who let him in I do not know.

351. You saw him go into Mr. Weatherhead's house?—The back door in the garden.

352. Is that Mr. Weatherhead the attorney?—Yes.

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353. Did you see Bogue in the same entry some six weeks ago?—Yes; about that time.

354. Had you any conversation with him?—He spoke to me. He said to me, "I hear you are going to London against me." I said, "Who told you that?" He said, "A lad named Ling."

355. Did he say anything more?—"Come up to our house and I will talk to you about it." "What about," I said, and he said, "Them that goes against me in London will get two years in Newgate."

356. At which you laughed?—At which I laughed at him.

357. Go on?—Bogue said, "Come up to our house, and I will talk to you about it." I said, "Did not you get anything from Mr. M'Gall." He said, "I got a sixpence." I said, "But I know better than that," and he said, "I would not have it." There were three men standing a distance off, but who they was, I do not know.

358. Did he say anything more to you about coming up here?—Says I, "It's finished, and it cannot be undone."

359. You came by railway, I suppose?—I did.

360. By whom was your fare paid; was it paid by yourself, or by anybody else?—I got 10 *s.* to fetch me to Newcastle, and I came there with 7 *s.* all but a penny.

361. When you got there, how did you come on to London?—I got a ticket at Newcastle to come on to London.

362. From whom did you get it?—From Mr. Turner.

363. Where are you living?—In Surrey-street, No. 28.

364. In the Strand?—Yes.

365. And I suppose you expect to be paid your fare back, and to be kept while you are here?—Certainly.

Cross-examined by Mr. *Cooke*.

366. And what do you expect to get for your trouble?—The same as when I am at home, at wages; nothing more.

367. What are those?—I am an apprentice, and I get 9 *s.* a week, but I expect more here.

368. Is that a London or a Berwick new cap, that you are twiddling about, and that you cannot keep quiet. How long have you had that cap?—It is my own.

369. How long have you had it?—It is my own.

370. How long have you had it; give me an answer—that is a very quiet question, I am sure?—A month or five weeks.

371. Your trousers look new, have you had those since you saw the three sovereigns given?—Yes, I can tell you where they came from if you like.

372. Had you anything allowed you for a new suit of clothes?—I got it out of my own earnings, out of my Society.

373. When Bogue spoke to you and said "I hear you are going to London against me," what else was it that he said?—Bogue said that if I went I should get two years in Newgate.

374. Before that, did he not say to you that it was a lie?—He said it was a lie.

375. When he said to you "I hear that you are going to London against me," did not he say "You are going to tell a lie"?—No.

376. When he began the conversation, and said "I hear you are going to London against me," did he not also say "It is a lie"?—No.

377. When did he say it was untrue that which you were going to state. Did he not tell you that what you were going to say about his getting three sovereigns was not true?—He said that if I went there I should get two years in Newgate. "What for?" says I. "For telling a lie," says he.

378. I do not quite understand what you said about the three men?—Bogue made the three men; the other two were standing.

379. Who were the other two?—I do not know. I did not speak to them. I saw them and knew they were men by their looks.

380. Who were the two men in company with?—Mr. M'Gall and Bogue was in company.

381. Who was the third man?—There were other two standing at a distance.

382. How

382. How far were you from M'Gall and Bogue at the time when you saw this which you represent to have taken place?—About 16 or 17 yards.

383. You saw the gold quite plain in the palm of the hand?—I saw it twice.

384. I suppose it was shining and glittering. Had it a shining appearance?—I am sure I would know a sovereign from a penny.

385. What made you so positive that it was gold?—The colour and appearance of it.

386. You heard Mr. M'Gall kick at the door. How many persons were at the place were Mr. M'Gall was?—Mr. M'Gall and Bogue and me.

387. You say you saw Mr. M'Gall kick at the door?—I did, and I saw him look through this way (*describing*).

388. How long was he there before he was admitted?—Four or five minutes, I think.

389. Can you tell what time of day this was?—Between a quarter and 20 minutes before seven.

Examined by the Committee.

390. When did this conversation with Bogue take place about your getting two years in Newgate?—About six weeks ago, as near as I can make a calculation.

391. Have you seen Bogue since?—Yes.

392. When did you see him last in Berwick?—I saw him that day before I came away.

393. Last Monday?—No, Saturday.

394. You saw him then?—Yes.

395. What is Bogue?—A grocer by trade, but he has not worked at it for a good while.

396. How does he support himself?—He works with Mr. Ruddick, killing sheep, and doing other things.

397. And he is living at Berwick?—At Castle Gate.

398. Did he come up to London with you?—No, I have not seen him. He is not here, I don't think.

399. What is Mr. Weatherhead?—A solicitor.

400. Does he reside at Berwick?—He stays two doors below me.

401. Have you seen him often?—Very often.

402. He was the gentleman who gave the three sovereigns?—No.

403. Who was it who gave them?—Mr. M'Gall.

404. Was Mr. Weatherhead with him?—No.

405. When last did you see Mr. M'Gall there?—I do not think, to my recollection, I have seen him since. I saw him during the election going about the town and the town-hall about four o'clock; but I have not seen him since then. That is the last time I have seen him.

406. Bogue you saw on Saturday?—Yes, I have seen him frequently since then. I think it was on Saturday.

Re-examined by Mr. *Welsby*.

407. What is Bogue?—He is a grocer by trade, but he has not worked at it for a long time.

408. But now he is working at Berwick?—Yes; working with Mr. Ruddick.

409. What is he?—A cattle-dealer.

410. How long has he been working with Mr. Ruddick?—A goodish bit.

411. Is he well known at Berwick?—Yes, he is very well known.

Mr. *Phinn* renewed his former application to the Committee for permission to produce evidence to prove that material witnesses to support the petition were evading the service of the Speaker's warrant.

The Committee-room was cleared.

After some time the counsel and parties were called in and informed by the Chairman that the Committee had decided not to yield to Mr. Phinn's application, but that if in any future stage of the proceedings the counsel for

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the petitioners should think that the absence of the witnesses referred to was a ground for asking the Committee to make a special report to the House, for the purpose of inducing the House to authorise an adjournment, they should be at liberty to make such an application, and to examine witnesses in support of it notwithstanding any previous decision of the Committee.

James Gleghorn was called; in and, having been sworn, was Examined by Mr. *Welsby*, as follows:

J. Gleghorn.

412. YOU live, I believe, in the Castle-gate, at Berwick?—Yes.

413. You have been in trade as a baker?—I have been.

414. You are now retired, and live on your property?—Yes.

415. Are you a voter?—For the county.

416. Not for the borough?—No, not for the borough.

417. You remember the Sunday night before the last election; about what time did you go to bed that night?—About half-past nine.

418. Were you awoke by a noise?—Yes.

419. About what time was it when you awoke, do you think?—About a quarter to 12 o'clock.

420. What was the noise that awoke you, so far as you could make it out?—I got out of bed, pulled up the blind, and looked out of window.

421. What did you see?—I saw men upon the street when I looked out of window.

422. By "upon the street," do you mean walking about the street, or standing in the street?—They were walking about the street.

423. Did you go out of your room to another window, at the landing at your stair-head?—Yes.

424. Did you look through that window into the street?—I lifted up the sash of the window.

425. And looked out?—And looked out.

426. Did you see Mr. M'Gall in the street?—Yes, I did.

427. About how far from you was he, do you think?—About eight yards.

428. Was anybody with him?—Yes, there was a man standing with him.

429. Were they talking together?—Yes, they were.

430. I believe you said something?—I told them to get out of that.

431. Tell us the words you used?—I told them "to get out of that"; that was all I said.

432. What was done then?—They moved on.

433. I believe that you then went back to your room, and put some of your clothes on?—No, not at that present time; I stood at the window, and they walked away up the street; they walked perhaps about 120 yards through the railway bridge.

434. What next occurred?—One man left, and another came to him.

435. That man left and another man came to him?—Yes; and he walked up as far as the railway bridge, and after they got out of my sight, I came into the house.

436. Did you then put on some clothes and come back to the window?—Yes, in about five minutes afterwards.

437. Did you see M'Gall there again?—Yes.

438. Was he in front of the house, or where was he?—Just passing down the street.

439. Did you see any other man with him, or near him?—I saw a man leave him.

440. Did that man come near your window?—Yes, he came just close under the window.

441. And what became of M'Gall at the same time?—He went on down the street, slowly walking.

442. Did any other man come towards the one you had seen leaving Mr. M'Gall?—After this man had left him there was another man came from the opposite direction, and came to him.

443. And joined him?—And joined him.

444. Did you see the man who had left M'Gall do anything?—When he was under the window there was other two came forth at the time, and he counted "One,

"One, two, three, four" into his hand; what it was I could not see. He did it just in that way (*describing*).

445. You could not see what it was?—No, I did not see what it was.

446. Do you know who that man was?—Yes, I knew him.

447. Who was it?—Robert Buglass.

448. Is he a freeman?—Yes.

449. Did you call out anything to him?—Yes; I said, "Bob, get out of that."

450. Did he look up?—Yes, he just looked up.

451. What became of him then?—He went away across the street to another street that goes down towards the workhouse.

452. You say that M'Gall went down the street?—Yes.

453. Did you see any other man go up to him?—There were two men came forward to Buglass at the time he was counting what was in his hand, and one ran away and the other ran to the side of the wall.

454. Did either of them go to M'Gall?—He went forward to M'Gall, but there was another man with him, and he ran back to the side of the wall.

455. Did he do anything, or did you hear anything?—I could hear a whistle just now and then.

456. I believe that you then shut your window and went to bed?—I did.

Cross-examined by Mr. *Cooke*.

457. And I suppose you thought no more of it?—I thought no more about it.

458. You have lived in Berwick some years?—Yes, I was born in Berwick.

459. Is it at all an unusual thing to hear people walking about the streets of Berwick on the night before the polling?—To my knowledge, I never heard it before.

460. You live near the railway station, do you not?—Yes.

461. The railway station is at the top of the town?—Yes.

462. And you live close by it?—Yes.

463. You say it is an unusual thing for you to hear people walking up and down in the direction of the railway station after you have gone to bed?—It is.

464. As you thought nothing of it at the time, when did you begin to think it necessary to tell Mr. Mitchell's people what you had seen?—I never told Mr. Mitchell's people.

465. Were you served with a summons to come here?—Yes.

466. When was that?—About a fortnight ago, I think.

467. Then of course you were much astonished when you had the summons?—No, I was not astonished at all.

468. If you had never told anybody what you had seen, what did you suppose you were to be brought here for at all?—Mr. Widdell had got wit of it.

469. That is Mr. Mitchell's agent?—Yes.

470. He came to you?—Yes.

471. I thought you said you had never spoken to anybody about it from that night?—Not on that night; I did not say I mentioned it that night.

472. When did you first mention it?—I might have mentioned it the next day to some one.

473. You told me that you thought nothing of it?—I thought nothing of it at the time.

474. When did you first begin to think something of it?—It might be the next day, when people were talking about the election.

475. Was it the next day?—I believe it might be.

476. You are put forward here as a gentleman, a retired baker; tell me when you first began to think something of it; when did you first begin to think of having taken your clothes off and putting them on again, and going and looking out of the window; who was it that you spoke to about it?—I do not recollect.

477. How near do you live to M'Gall?—About 130 yards, perhaps.

478. When did you see him last?—I dare say I have never seen him since that night; I do not think I have.

479. What is Buglass, this man you speak about?—A labourer.

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480. Have you ever spoken to Buglass since that night?—Never.

481. You never told him that you were coming up to town to prove him to have been bribed?—No.

482. Had you been in the habit of seeing M'Gall before that time?—Sometimes I have seen him going to the station; he goes round the other way from my house.

483. Do you remember his being put in prison by the Commissioners?—Yes, I do.

484. And coming out in very bad health?—No, I could not say that; I might have heard it, but I could not speak positively to it.

Examined by the Committee.

485. When did you see Buglass last?—I do not know.

486. About when? Have you seen him within the last month?—Yes; he passed me in the street, you know.

487. I suppose you have no doubt that he is there now?—I have no doubt about it. I have never seen him since I passed him in the street.

Re-examined by Mr. *Welsby*.

488. He might be found, if he is wanted?—I cannot say for that.

489. Does he live there?—Yes, that is his abode.

Barbara Edgar was called in; and, having been sworn, was Examined by Mr. *Davison*, as follows:

B. Edgar.

490. IS your husband's name Samuel?—Yes.

491. At the time of the last election at Berwick did you keep a public-house in the Castle Gate?—Yes.

492. Do you know William M'Gall?—Yes.

493. Do you know where he lives?—It is not far from our house.

494. I believe that your house is nearly opposite?—Yes.

495. How long have you lived in Berwick?—I was born in Berwick. I am a native of Berwick.

496. And you have lived there all your life?—No, I was two years out of it.

497. But with that exception you have lived there all your life?—Yes.

498. Do you know the freemen?—Some of them.

499. And do you know the people who have votes generally?—Some of them.

500. Do you remember the polling-day at the last election?—Yes.

501. What day of the week was it?—It was on a Monday.

502. On the Friday before the Monday had you many people about your house?—Well, there were people going about during the week before.

503. Were they about your house drinking?—There was some.

504. Were they voters?—Some of them.

505. Were they some of them freemen?—Yes, some of them were.

506. Was it the usual sort of thing that goes on at your house at Berwick, or was there more money spent?—Of course there was a little more money spent there than what there is generally.

507. At what time did you close, if you closed at all, on the Sunday night before the polling-day; did you close at all?—No

508. You kept open all night?—Yes.

509. People coming in?—Yes.

510. Were there freemen coming in and out?—Yes.

511. Many?—Yes, there were a good many.

512. Do you know Cuthbertson?—Yes.

513. Do you know Robert Buglass?—Yes.

514. On that Sunday night was Buglass in your house?—Yes.

515. At what time in the night did he come in?—I think it would be about two in the morning when he came in.

516. Mr. *Cooke*.] He came in with other people?—I dare say there were more people came in at the time.

517. Mr.

517. Mr. *Davison.*] At what time on that Sunday night do you remember him coming in?—About two o'clock I think it would be when he came in.

518. Were there other people with him?—I could not exactly say who was with him, but there was I dare say some more came in.

519. How many rooms have you in your house used for drinking?—We have four.

520. Are they all used for people coming in to drink?—Yes, I dare say.

521. Was he in one or more rooms that night?—Well, he was in two.

522. Were there voters in either of them?—No, he was in one where there was voters, and he was in one where there was none.

523. Were the voters who were in the room in which he was freemen?—Yes.

524. What was he doing?—He came in for drink, the same as the rest of them did.

525. When he had drink, had the others drink?—They all had drink.

526. Who paid for it?—Well, some was paying for one, and some for another.

527. Did Buglass pay for any?—Yes, he did.

528. Did you see any money in Buglass's hand?—Well, he took out money and paid for some drink; that was for people that was in the house.

529. What money did he have; did you see?—No.

530. Was it copper?—No, it was silver; he paid me with silver.

531. When he paid you with silver, did you see any gold or copper?—Not at that time.

532. At another time you saw something else; what else did you see?—I changed him a sovereign to pay for a bottle of whiskey, that he got.

533. Was that the same night?—Yes.

534. What became of the whiskey?—He gave it to his wife to take home.

535. Did you see where the sovereign came from?—Yes.

536. Tell us if you please; was it out of his pocket, or where?—No.

537. Where did he get it?—He took it out of his shoe.

538. I believe that his wife was there, and that she tried to get it from him?—Yes.

539. And she did not?—No.

540. You said you knew Mr. Anthony Lambert Cuthbertson?—Yes, I know him by eyesight.

541. You have known him some time, I dare say?—Yes.

542. And you said that you knew M'Gall's house?—Yes.

543. Did you see Cuthbertson near M'Gall's house during the election?—Oh, yes; I dare say I saw him going out and in.

544. Once, or more than once?—More than once.

545. Frequently?—Yes.

546. The front door is in the main street, nearly opposite to where your house is?—Yes.

Cross-examined by Mr. *Cooke.*

547. Cuthbertson lives very near to M'Gall's, does he not?—Yes.

548. Is it an unusual thing at Berwick to see one neighbour going to call upon another?—No.

549. I suppose you have seen him going in and out at M'Gall's at other times when no election has been going on?—Yes.

550. Your house is near a railway station, is it not?—Yes.

551. On the way to it?—Yes.

552. Within a couple of hundred yards or so?—No.

553. The railway station is at the top of the hill, and yours is a steep street leading from the market place to it?—Yes.

554. And there are a number of houses in that street in one of which you live, and in one of which M'Gall lives?—Yes.

555. It is, in fact, the great thoroughfare of Berwick to the railway station?—Yes.

556. Is there not a train that comes in by 11 or 12 o'clock at night?—Yes.

557. I suppose that you publicans are glad of an election when the voters do come in and out; a dry election you do not like?—No.

558. Was this just what is usual when there is something going on, first one man, and then another coming and having a little beer. Is was in the usual way, was it?—There was a good deal going on that time.

 559. Was

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559. Was your house particularly for Mitchell, or did Mitchell's people and others come in just as they liked?—My house was open for any one.

560. Your house was open as much for the one side as for the other?—Yes.

561. You say you are on no particular side, and that the voters for Mitchell came in just the same as the voters for anybody else?—Yes.

562. You supplied your beer quite as much to one side as the other?—Yes; to any person who paid for it.

563. By the *Committee.*] Who is Mr. Cuthbertson; what is he, is he a baker or grocer, or what?—No.

564. Mr. *Cooke.*] He is a private gentleman, is he not?—He goes about the market taking the dues.

565. He is a toll collector?—Yes.

566. Does he reside in Berwick?—Yes.

567. Is he well known?—I dare say he is.

568. When did you see him last?—I dare say I did not pay much attention.

569. Have you seen him within a month?—Yes; I dare say I have.

570. By the *Committee.*] He lives immediately opposite to you?—Yes.

571. Mr. *Cooke.*] Did you not see him the day you left Berwick?—No.

572. The day before, or a few days before you left Berwick did you see him?—Yes.

573. He is a private gentleman who lives on his own means, and collects the tolls?—Yes.

574. The market tolls?—Yes.

575. Did you come from the regular station at Berwick, or were you taken to Tweedmouth?—I came from Berwick.

576. Where did you get the money to come with?—I got from Mr. Weatherhead some.

577. How much?—I got 3 *l.*

578. Were other people paid at the same time in your presence?—My husband.

579. How much did he get?—The same.

580. He got 3 *l.* and you got 3 *l.*?—Yes.

581. Had you a ticket given to you?—No.

582. What is the price of a ticket from Berwick?—I paid 6 *s.* 11 *d.* from Berwick to Newcastle, and 2 *l.* 1 *s.* from Newcastle to London.

Re-examined by Mr. *Davison.*

583. You paid yourself at Newcastle?—Yes.

584. Out of the 3 *l.* which you had given to you?—Yes.

585. Now, about your public-house; I believe you did not keep a public-house at any previous election?—None but that.

586. This was the only occasion?—Yes.

587. But you have been there at the time of previous elections?—Yes.

588. Have you seen Cuthbertson go to M'Gall's house on any day as frequently as you saw him go there on the polling day at the last occasion?—Well, I did not take any particular notice; I could not say that he was there particularly at one time more than another.

589. Had you seen him go to M'Gall's house as frequently before as you saw him go there about the time of the last election?—I could not exactly say that I took particular notice, but I saw him go several times; I saw him go before the election, and likewise during the election. I did not pay any particular attention.

Samuel Edgar was called in; and, having been sworn, was Examined by Mr. *Davison,* as follows:

S. Edgar.

590. YOU are the husband of the last witness?—Yes.

591. And you kept a public-house in the Castle-gate during the last election?—Yes.

592. The week before the election, had you voters about your house?—Yes; on the Saturday, about 11 or half-past 11, Mrs. Thompson ——

593. I do

593. I do not want to ask you about that at present. I want to ask you this question: on the Friday or Saturday in the week before the election, had you a good many voters about your house?—No, I do not think there was. *S. Edgar.* 11 March 1864.

594. Not more than usual; is that so?—Yes.

595. Do you know Robert Buglass?—Yes.

596. Had you known him some time before the election?—Yes, I had known him a good deal.

597. Is he a voter?—Yes.

598. Is he a freeman?—Yes.

599. Was he in your house on the Sunday before the polling-day?—Yes, on the Sunday night or the Monday morning.

600. Did you see him with anybody?—No.

601. Was his wife with him?—Yes.

602. Did you see him give anything to his wife?—No.

603. Did you see him drinking at all?—Yes.

604. Did you or you wife take the pay, or did both of you take it?—She took the pay.

605. Do you know Mr. Anthony Lambert Cuthbertson?—Yes.

606. He is a toll-collector, is he not, at Berwick?—Yes.

607. Do you know M'Gall's house, which is nearly opposite?—Yes.

608. Did you ever see Cuthbertson go into M'Gall's house?—Into the passage.

609. Once, or more than once?—I dare say two or three times in the week before the election.

610. Did you notice that?—Yes.

611. Did you pay any particular attention to it?—No; I just saw him go up the street; while this election was going on there was a good deal of running backwards and forwards to M'Gall's house.

612. On the Sunday night did you see M'Gall?—No.

613. On the Monday morning?—I see'd him on the Monday morning.

614. About what time did you see him?—About one o'clock.

615. What was he doing?—Well, I cannot tell what he was doing; he was coming out of the station.

616. Was he about the streets at that time?—He came out of the station.

617. But before that, had you seen him in the streets?—Yes, in Castle-street.

618. How long before he went to the station was that?—It might be about half an hour, or an hour.

619. Were there people walking about near his house at that time?—Yes, a good deal.

620. Did you know any of them?—Well, I do not know; I was at the one side of the street, and they were on the other.

621. Did you know any of them?—No.

622. Did you know who they were?—No.

623. Was he walking about, then, in front of his house?—In the middle of the street.

624. And these people were about his house?—Yes, on the opposite side.

Edward Tindal Bernard Hogg was called in; and, having been sworn, was Examined by Mr. *Welsby*, as follows:

625. YOU live in Berwick, and are an iron moulder?—Yes. *E. T. B. Hogg.*

626. Are you a freeman?—Yes.

627. Do you remember on the Saturday before the polling-day at the last election coming home from your work?—Yes.

628. Did a person of the name of George Rutherford come into your house?—He did.

629. What is he?—I do not think he does anything at all; nothing that I know of.

630. Does he live at Berwick?—He lives in the Greenses.

631. That is in Berwick?—Yes.

632. What did he say to you when he came in?—He offered me 2*l.*

633. What did he say when he offered it to you?—He said that was all he had got to give us; I said "I will not take it, you may take it back again."

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634. Did you make any inquiry where it came from?—No; I never asked him who it came from, but I suspected what it was for.

635. And what did he say to that when you told him he might take it back, and that you would not take it?—He said that was all he had to give us.

636. And he left you, did he?—He left us.

637. You say "us;" who else was there then?—No person except the wife; she was out.

638. On the evening of that same Saturday were you going down Castlegate, and did you meet Rutherford?—Yes.

639. Did he say anything to you then?—He said there was a gentleman wanted me at the station.

640. That is, the railway station?—The railway station.

641. Which station was it?—The North British station.

642. Did you go to the station?—I did.

643. And did you see any gentleman there?—I saw M'Gail.

644. Where was he?—In the parcel office; standing in the doorway.

645. What took place next. Did he make any sign or motion to you?—Yes, he asked me what I wanted; he asked me to mention the figure that I wanted.

646. Was he doing anything while he said that?—He had his hand in his pocket.

647. Did you hear any sound come from his pocket?—Yes, there was money in the pocket, but of what sort I could not say.

648. Did you hear it jingling?—Yes.

649. He said, "mention your figure; what you want?—Yes.

650. What else?—He told me to mention the figure that I wanted for myself, and over and above that he would put my two sons right.

651. What are your two sons?—They are iron-moulders, the same as myself.

652. What did you say to this?—I said "No, I could not."

653. Did you go away from him?—I left him.

654. Who did you vote for?—For Mr. Mitchell.

Cross-examined by Mr. *Cooke*.

655. Did you see Captain Mitchell at the election?—Yes, I saw him at the election.

656. And on the Saturday before the polling-day were you speaking to him. Captain Mitchell is the brother of the petitioner?—No.

657. Mr. John Mitchell I will call him. I thought you told me that you knew him?—I know the man who stood for Member; not his brother,

658. He is not Captain Mitchell?—I did not speak to Captain Mitchell at all.

659. Do you know David Bell the blacksmith?—Yes, I do.

660. And John Johnson, the painter?—Yes.

661. Did you treat them in a public-house on the Saturday?—No, I did not.

662. Not in Murphy's?—No.

663. Were you in Murphy's public-house on the Saturday with these two men?—I was there before they came in.

664. You were at Murphy's on the Saturday?—Yes.

665. And they came in while you were there?—Yes.

666. Was there a bottle of whiskey produced?—Not that I know of.

667. Be careful: did you not produce a bottle of whiskey?—No, I did not.

668. Did you partake of any whiskey?—Yes, I partook of whiskey.

669. Where did it come from?—From the landlord.

670. From the landlord, Murphy?—Yes.

671. Was that one of Mitchell's houses?—No, it was not.

672 Do you mean to say you do not know that Murphy was a supporter of Mr. Mitchell's?—Mr. Murphy has not a vote.

673. I did not ask you whether he has a vote; my question was whether you do not know that he was of Mr. Mitchell's party?—Not that I knew of.

674. Did you pay for the whiskey?—No, I did not.

675. Did you tell either Bell or Johnson that you had had 10*l.* from Mitchell's party?—No, I did not.

676. Had

676. Had you not money from Mitchell's party?—No.

677. Not on the Saturday or the Monday?—No, not on the Saturday or the Monday either.

678. Or at any other time?—No.

679. Or a promise of money?—No promise at all.

680. Is Henry Johnson a cousin of yours?—John Johnson is a cousin of mine.

681. Did you see Henry Johnson on the Monday; John Johnson's son? I recommend you to be cautious. I am asking you from my instructions. On the Monday did you have a conversation with Henry Johnson, the son of your cousin, John Johnson?—Yes, I saw him on the Monday.

682. Did you speak to him about his voting?—No, not about his voting. I spoke to him on the Monday in a chaffing way; there were several chaffs going on.

683. My question is, Did you speak to him about voting? Attend to what I am asking you.—No, I did not ask him anything about voting.

684. Did you speak to him about his voting?—About his voting?

685. Yes?—No, I did not.

686. Did you tell him how you were going to vote?—Yes, I did.

687. Did you tell him that you had had 10 *l.* from Mitchell's party, and if he would go with you, you would get him the same?—No, not from Mitchell's.

688. Who did you tell him you had got the 10 *l.* from?—From no person. I said I could get him 10*l.*; that was in the chaff.

689. What had he to do to get the 10 *l.* that you said you could get him?—I said, I could get him 10 *l.* He said, "Have you got it?" and I said, "To be sure I have."

690. What was he to do that you were to get him the 10*l.* for if he had done it? What were you to get him the 10 *l.* for?—It would be for his vote.

691. For which candidate?—For the man that promised me it.

692. What was the candidate he was to vote for, for which you would get him the 10*l.*?—For Cargill. I could have got it there.

693. You being a supporter of Mr. Mitchell's, did you ask him to vote for Mr. Cargill? Come, you had better take care what you are at.—No; his father was always on the Conservative side.

694. You knowing that his father was always on the Conservative side, did you not tell young Henry Johnson that if he would vote for Mitchell you could get him 10 *l.*?—Mitchell was never mentioned.

695. If he would vote the same way as you?—No, that was not mentioned; the way it was said was, that one was chaffing the other. It was merely a jest, and nothing else; there was no foundation for it.

696. What was it that you said to him; was it that you would get him 10 *l.* if he would vote; was that it?—No, not if he would vote. I said I could get him 10 *l.*, but not for voting at all; I never mentioned voting.

697. Tell us, and take care, because I probably shall call him. Upon your oath, what was it you told him you would get him the 10 *l.* for; what was he to do? Be careful.—It never was mentioned what he was to do.

698. What did you intend him to do for you, to get him the 10*l.*?—I did not intend him to do anything; I merely said so.

699. Do you expect to be believed?—I do not know whether I am believed or not. I said so.

700. You wished him to vote for Cargill, did you?—I did not wish him to vote for Cargill.

701. Did you not mean him to vote for Mitchell?—No, I did not.

702. And you did not intimate to him at all what he was to do to enable you to get him the 10*l.*?—No.

703. Did you not on that same day, the Monday, tell David Bell and your cousin, John Johnson, that you had had 10 *l.* from Mitchell's party?—Never.

704. Nor any sum of money that you mentioned to them?—No.

705. Did you not apply to David Bell to vote the same way that you did for Mitchell, and did you not tell him that you would get him 10 *l.*, the same amount that you had got?—No, I did not.

706. Nor words like that?—No, I did not.

707. Did you not apply to your cousin John Johnson, and say, "If you will

come with me this time I know where to get you 10 *l.*, the same that I have got myself"?—No.

708. Nor words to that effect?—No; I will tell you what I said to him. He was swaggering about there that they had given him nothing; says I, "I know better than that, because I was promised it myself from your side." That was what I said to him.

709. He said that he had got nothing; "grumbling," I suppose you mean by "swaggering"?—Yes.

710. Did you not tell him, as he was swaggering that his party gave nothing, that if he voted with the other party you knew where to get him 10 *l.*?—No.

711. Nor any sum of money?—No.

712. Take care, because we may have those men here?—I have told you what I said to him. He said he had got none; I said, "I know better than that, because," I said, "I was offered it myself up at the station." That is what I said to him.

713. That is not my question. My question is, did you intimate to him as he was getting nothing from his side, which he told you gave nothing, that you knew where he could get money?—Yes, I said I knew where he could get money.

714. If he would vote for Mitchell?—No.

715. He knew M'Gall as well as you?—I expect so.

716. Were you at what is called the Temperance Hotel on that polling day, the Monday, kept by a person named Dodds?—On the polling day.

717. Johnny Dodds, I am told?—No.

718. Not once on the polling day?—Yes, once, to get the state of the poll.

719. Quite innocently, of course; where did you go in the Temperance Hotel to get the state of the poll; did you go upstairs?—No, in the shop.

720. Come?—I was not upstairs.

721. Were there a good many people there?—I could not say.

722. Was it one of Mitchell's houses?—(*No answer.*)

723. Come, you know whether Johnny Dodds' was one of Mitchell's houses, or not; had you not voted for Mitchell at that very time?—No.

724. How late in the day did you vote then?—About half-past 10, I think.

725. Did you go there for the state of the poll before half-past 10?—Yes; it was the state of the poll that I went for.

726. Do you swear that it was before half-past 10 that you went to Johnny Dodds' for the state of the poll; take care; where you not at Dodds' house at a late period of the day, after you had voted?—It, perhaps, might be after dinner when I got the state of the poll; but I had polled long before that.

727. Did you not know that Johnny Dodds' was one of Mitchell's houses?—No.

728. What made you go there?—Because I knew Mr. Dodds.

729. How was he to get you the state of the poll if it was not a committee-room, or something, of one of the candidates?—It was not a committee that I know of.

730. Did you find numbers of people there?—No, there was not numbers there; there were two or three.

731. Tell me whom you saw there?—I took no notice of who was there.

732. Did you see Rankin, the shoemaker?—No, I did not.

733. Do you know him?—Yes, I know him.

734. Were you not spoken to by Captain Mitchell on that day, Monday?—No.

735. Nor the day before?—No, I never spoke to Captain Mitchell in my life.

736. You know the gentleman I mean?—I know him by eyesight, but I never spoke to him.

737. Did you see him at Berwick on the following day?—Yes, I saw him in the street.

738. Did you see him buy those two pointers in the market of a voter?—Pointers?

739. That pair of dogs that made such a talk in the place?—No.

740. Did you not know of his buying a brace of pointers from a voter who said, "I will not vote until I have sold them"?—No.

741. Did you not know of his buying Gibson's pointers?—No.

John Fairnell was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

J. Fairnell.

11 March 1864.

742. ARE you a freeman of Berwick?—Yes.

743. I believe you have the honour to belong to the Prince Consort?—Yes.

744. An able seaman?—Yes.

745. I believe you had not been in Berwick for some years previous to the late election?—No.

746. How long was it since you had been there?—Four or five years.

747. Do you remember a man coming to you at Devonport. I suppose your ship was stationed there, on board the Cambridge. Where you on board the Cambridge at the time of the election?—Yes.

748. Did some one come to you on board the Cambridge?— Yes.

749. Who was that?—Mr. Lloyd.

750. What did he ask you to do?—He asked me if I would go down to the election for to vote.

751. Did he say who for?—He told me. I asked for Mr. Gordon myself; Captain Gordon, and he told me he was dead, and that another member was standing in his room.

752. Did he say who?—He told me the name, but I cannot think of the name.

753. Should you recollect it if I told you?—Yes, I might.

754. Was it Mr. Cargill?—Yes, that is the name.

755. I believe you told him you would get leave?—No, he inquired for leave his own self for me.

756. Had you any money at that time?—I had a little.

757. Had you enough to go to Berwick with?—No.

758. Did you say anything to him about that?—I told him I had none for my expenses

759. What did he say?—He said it would be settled for me.

760. He took you, I believe, up to London, and then on to Berwick. At least he took you to London first of all?—No, he did not take me to London, because he left on the Friday night, and I left on the Saturday.

761. You came up to London?—Yes.

762. He gave you a ticket, I suppose?—Yes.

763. When you got to London, did you see anything of this man who had come down to Devonport to you?—I did.

764. Where did you find him?—He was at the Paddington Station.

765. That was your terminal station where you arrived?—Yes.

766. What did you do when you met him at Paddington?—I went to Fleet-street with him to the Dragon Hotel.

767. And did you ultimately start for Berwick?—About nine o'clock in the evening.

768. Where did you go from?—From the King's Cross Station.

769. And did anybody go with you?—There was James Mark, and one of the name of Lyall.

770. Where they both Berwick men?—Yes.

771. Did Lyall go with you to the King's Cross Station?—He did.

772. Did he give you anything?—No, he paid my fare down there.

773. Did you get any money in London?—No.

774. Just recollect?—No; I received nothing that I know of in London.

775. Are you sure of that?—I am sure of it.

776. How many were there in your party. Was Monk's wife with you?—No, there was Mart's wife.

777. What time did you reach Berwick?—Between five and six o'clock on Sunday morning.

778. Was that the day before the polling?—It was.

779. Do you remember seeing a man named George Carr on the Monday morning?—I see'd him in the forenoon.

780. Did he ask you anything?—He did.

781. What did he ask you?—He asked me if I was going up to vote, and I said I would not go to vote before I knew where my expenses were coming from.

J. Fairnell.

11 March 1864.

782. What did he say?—He said that would be all right, or such words. I cannot exactly remember the words now.

783. Was it all right before you voted?—It was.

784. Did you get anything before you voted?—Yes.

785. How much?—I received 4*l.*

786. Who from?—From Carr.

787. After you had received it, did you vote?—I did.

788. Who did you vote for?—I cannot think of the name.

789. Was it Cargill?—Cargill. It is too hard a word for the likes of me.

790. Did you get anything else besides these four sovereigns?—No.

791. Are you sure of that?—I am sure of it.

792. What did it cost you to get to Plymouth?—£. 1. 8. 4. to London, and 18*s.* 8*d.* from London to Devonport, Plymouth.

Cross-examined by Mr. *Cooke.*

793. When did you leave Berwick; at night?—At 12 o'clock in the evening.

794. And when did you get to Plymouth; the next night?—No, not till the Friday night, at half-past 12.

795. Then you had to maintain yourself?—Yes; and I had to go to the Admiralty, who sent me down.

796. You had to go there to get their permission?—To get a pass from them.

797. As a sailor you got home cheaper?—No, just the same fare, the Government fare, that was all I was paid for.

798. You ride second class for third class fare by getting the Admiralty pass, do you not?—Yes.

799. Do you know what the second class fare would have been if you had not got that pass?—Fifty shillings from London to Berwick.

800. And how much from London to the other place?—I do not know. I never inquired that.

Examined by the *Committee.*

801. You had a very few shillings in your pocket out of the 4*l.* when you got to Devonport, I suppose?—I do not know. I think I had a good few shillings.

802. You had to pay your expenses out of the 4*l.*?—I paid my expenses.

803. Out of the 4*l.*?—Yes.

804. You had no tickets given you?—I had a ticket from London to Berwick.

805. And a ticket from London to Devonport?—That came out of my own pocket.

806. You paid 2*l.* 7*s.*, did you not?—I paid 1*l.* 8*s.* 4*d.*

807. I thought you said you paid 18*s.* 8*d.*?—No, I did not pay that.

808. Who paid that?—The Government.

809. Mr. *Cooke.*] Did you get a pass from the Admiralty for that?—Yes.

[Adjourned to To-morrow, at Eleven o'clock.

Sabbati, 12° *die Martii*, 1864.

ROBERT LONGFELD, Esq., in the Chair.

The Names of the Members were called over: All present.

William Brown was called in; and, having been sworn, was Examined by Mr. *Welsby*, as follows:

W. Brown.

12 March 1864.

810. I believe you live at Tweedmouth, Berwick?—Yes.

811. And are a porter at the North British Railway Station?—Yes.

812. Do you remember the last election there?—Yes.

813. Were you at the station at Berwick, the North British Railway Station on the Saturday night before the polling day?—Yes.

814. Is the North Eastern Railway Station the same that is called the Tweedmouth Station?—Yes.

815. That is on one side of the river, and the North British is on the other?—Yes.

816. About what time did you go to the North British Railway Station on that Saturday evening?—I was there about a quarter before six.

817. Did you go to see any one there?—No; my duty is to go and attend the trains there.

818. Was Mr. Selby Lockwell a clerk in the parcel office at that time?—Yes.

819. Had you to go to him for any purpose?—Yes.

820. What was that?—To give an account of the parcels I had delivered in the town during the day.

821. Did you go into the parcel office?—Yes.

822. As you went in did you see any parcel in the passage?—I saw Mr. McGall there.

823. What was he then doing?—He was just walking in the passage.

824. Did you go into the office?—Yes.

825. Did you find Mr. Selby Lockwell there?—Yes.

826. Shortly after he had gone in, did McGall look in at the door?—Yes.

827. What happened then?—Selby Lockwell gave me a signal for to go to the door, and he accompanied me out.

828. And did you and he go out of the office together?—Yes.

829. Where did you go to?—We went on to the platform.

830. How long do you think you stayed on the platform?—I could not exactly say; but I should think it might be near to 20 minutes, or it might be less.

831. Had you left McGall in the parcel office?—Yes, he went in as we come out.

832. And was the door shut?—I do not know.

833. While you were on the platform did you see any person go into the Parcel Office?—Yes, I saw some persons go in.

834. First tell me about how many?—I did not count them.

835. But about how many?—There might be 10, or there might have been more or less.

836. Were there 10 at least?—I should think somewhat near about that.

837. Did they go in together, or one by one?—They appeared for to go in one by one.

838. About how long did each of them stop before he came out again?—I could not say that.

839. A short time?—Yes, they were not long.

840. Do you know who those persons were?—No, I did not.

841. Do you know whether they were inhabitants of Berwick?—Yes.

842. Do you know whether they were freemen?—Yes, I knew them to be freemen.

843. But you did not know them by name?—Not except one person.

W. Brown.

12 March 1864.

844. Who was that?—Anthony Cuthbertson, I think.

845. What was he doing?—Well, he seemed to be busying about from one to the other.

846. From one of these men to another?—Yes.

847. Where was he standing?—He was going about in the passage.

848. You say busying about one to another; could you judge what he was doing?—I could not; he seemed to be accompanying them to the door.

849. To the door of the Parcel Office?—Yes.

850. What became of you after that period?—I went in and settled for the parcels.

851. These people had all gone out then, had they?—Yes.

852. You went in with Mr. Lockwell and settled with him for the parcels?—Yes.

Cross-examined by Mr. *Clerk*.

853. When people have parcels to come by the North British Railway, where do they bring them?—To the parcel office.

854. What time in the day do your trains go out in the evening from Berwick?—One goes out to the north at seven o'clock.

855. This was about a quarter to six, was it?—A quarter to seven.

856. It was about a quarter to six when you got to the station?—Yes.

857. And to the south you run a train rather later than that?—Yes.

858. About ten?—Thirty-five minutes past eight.

859. Is Selby Lockwell in the employment of the company now?—No.

860. Was he dismissed?—Yes.

861. When was that?—I could not exactly say the time; it was after the month of August that he was dismissed.

862. We are not trying his character here; but was that with reference to his misconduct in money matters?—Yes, I suppose it will be the books had not been well kept.

863. He was dismissed from service on account of the books of the company not being properly kept?—Yes, something to that effect.

Re-examined by Mr. *Welsby*.

864. Did any of these persons you saw go into the parcels' office, bring any parcels with them, that you saw?—I did not see any.

865. Or bring any out?—I did not see any.

866. Did you see which way they went, when they left the station?—I could not say.

Mark Sample was called in; and having been sworn, was Examined by Mr. *Davison*, as follows:

M. Sample.

867. ARE you a sailor?—Yes.

868. Do you live in Berwick?—Yes.

869. Are you a freeman?—Yes.

870. Did you vote at the last election?—Yes.

871. I believe you voted for Mr. Mitchell?—Yes.

872. On the Saturday before the nomination, had you occasion to go up to the railway station?—Yes, on the Saturday before the election.

873. At which station was it you had to go to?—The North British.

874. You went, I believe, to meet a friend who was coming by a train?—Yes; not a friend of mine. I went up with a friend to meet his friend.

875. Joseph Bannister was the person you went with?—Yes.

876. Do you know James Unthank?—I know Unthank, but I do not know whether his Christian name is James, or not. I know his name is Unthank.

877. What is the Unthank, that you know?—I think he is a tailor, but I cannot be positive.

878. Do you know whether he is a freeman?—Yes, he is a freeman.

879. While you were waiting at the station, did you see Unthank the tailor there?—We met him on the road before we arrived at the station.

880. Did

880. Did he speak to Bannister?—He did.

881. What did he say to Bannister?—I do not know.

882. You were not near enough to catch what he said?—No; it was not my business, and I walked on.

883. Did they follow you?—Bannister left him, and came up to me.

884. You did not hear what Bannister said to Unthank?—No.

885. When you got into the station, I believe you went into the place for gentlemen?—Not when I went into the station; I was walking about the station.

886. Did you see Unthank again, when you were walking about?—Yes, I did.

887. Did he speak to you?—He came to Bannister. I did not hear what he said, but I saw him go and meet Mr. McGall.

888. He came up and said something to Bannister, and then he and Bannister went to McGall?—Yes.

889. Is that William McGall?—I do not know whether his name is William, or not.

890. What happened then; where did they go there?—Into the water-closet for gentlemen.

891. Mr. *Clerk.*] Who went?—Bannister and Mr. McGall.

892. Mr. *Davison.*] Did you follow?—No, I stopped till Bannister came out, and he told me that Mr. McGall asked if I was a freeman, and asked my name.

893. What did you say to that?—I said, "Yes." At least, he knew perfectly well I was a freeman, and he told him I was; he told me Mr. McGall wanted me.

894. When he told you that, did you go to McGall?—Yes.

895. Where was McGall?—In the water-closet, at the entrance.

896. What did he say to you when you went to him, or what did you say to him?—I never spoke to him at all.

897. What did he say to you?—"What is it going to be this time," and he put 6 *l.* into my hand, and said, "You just tell your brother to come, I want to see him."

898. What was the money in?—In gold.

899. Was anything said about your voting?—No.

900. What was it for that he gave you the 6*l.*?—I am not aware; I suppose it was to vote.

901. I believe you kept the money?—Yes.

902. Have you got a brother a voter?—Yes.

903. What is his name?—John.

904. Is he a freeman?—Yes.

905. Do you know Thomas Beresford Buglass?—Yes.

906. Is he a freeman?—He is.

907. Did you meet him on the same evening?—I met him.

908. Where was that; in the town?—Yes; in Marygate.

909. And about what time of night was it?—Perhaps it might be about seven o'clock; seven or eight o'clock.

910. Did he tell anything about McGall that night?—He told me he had got 5*l.*, but he did not tell me who he had got it from.

911. What did Buglass tell you about McGall?—He told me he had got 5*l.*

Mr. *Clerk* objected to the evidence.

The objection was allowed.

Cross-examined by Mr. *Clerk.*

912. You have not yet told us how you voted at the last election?—Yes; for Mitchell.

913. And your brother John, did he vote for Mitchell too?—Yes.

914. And is Thomas a brother of yours?—No.

915. Is he a relative?—Yes; an uncle.

916. And he also voted for Mitchell?—Yes.

917. The family seem to have been pretty strong supporters of Mr. Mitchell at the last election?—They always have been; not for Mitchell, but they have always been on the liberal side.

918. Do you know William Bogue at Berwick?—I do, perfectly well.

919. He was a supporter of Mitchell too, was he not?—Yes.

920. Did he give you six sovereigns to vote for Mitchell?—No, he did not; not a farthing.

M. Sample.

12 March 1864.

921. Do you know Mathewson's public house?—Yes.

922. Did you not state in Mathewson's public-house, in the presence of Joseph Holt and Richard Johnson, that you had received six sovereigns to vote for Mitchell?—Never.

923. Were you examined before the Commission that sat at Berwick?—Yes.

924. You are the Mark Sample who was examined there, and I think you are one of the persons reported against for having received bribes for voting for Mr. Majoribanks?—I was reported against.

925. And you did receive bribes?—No, I did not.

926. The Commissioners came to a false conclusion then, and reported against you?—I received no bribe; I cleared myself in the hall at Berwick.

927. Did you not tell the Commissioners that you had received 2*l.* from David Lamb about two months after the election?—Yes.

928. Why did you get that?—For the loss of my situation, and to pay my expenses.

Re-examined by Mr. *Davison.*

929. What situation were you in at that time?—I was a seaman on board a vessel.

930. And had you attended the election of which you have been speaking?—Yes; I had a letter from Berwick to come there.

931. In consequence of having that letter, you went from Sunderland to Berwick?—Yes.

932. You gave your vote and you received 2*l.*?—Yes, some two or three months afterwards.

933. What were your expenses in going to Berwick and back, the actual expenses of railway travelling; about how much?—About 8*s.* or 9*s.* going.

934. And as much returning?—Yes.

935. How many days were you left there?—I was nearly a week there.

James Gallagher was called in; and, having been sworn, was Examined by Mr. *Welsby* as follows:

J. Gallagher.

936. YOU live in Chapel-street, Berwick?—Yes.

937. What are you?—A labourer.

938. Do you remember on the Sunday night before the last election, being in the High-street?—Yes.

939. About what time do you think it was?—About 10 o'clock.

940. Were you near the Town Hall?—Yes.

941. Has Vincent Pringle a shop there?—Yes.

942. Is there an arch-way just above Vincent Pringle's shop?—Yes.

943. Did you see any persons in that arch-way?—Yes.

944. Who were they?—Anthony Cuthbertson and Vincent Pringle.

945. Just tell us what they were doing when you first observed them?—They were speaking; I heard them speaking as I came forward.

946. You heard them talking together?—Yes.

947. Thereupon, did you slacken your pace and go slower?—Yes.

948. Did you see anything?—What I saw was the two speaking together, and Pringle says, "Is that all? Is that all?" and I heard the money jingling.

949. Did you see the money at all?—No; I could not say that I saw it, but I heard it jingle in his hand.

950. When Pringle said that, did Cuthbertson say anything to him?—He said that that was all that was going.

951. Did you say anything upon that?—I turned round and said "You are doing it there."

952. What next?—I passed on.

953. And you saw no more?—No, I saw no more.

954. Are you a voter?—No.

Cross-examined by Mr. *Clerk.*

955. Where do you live?—In Chapel-street.

956. Where?—In Berwick.

957. How

J. Gallagher.

12 March 1864.

957. How long have you lived there?—Two years and a half.
958. What are you?—A labourer.
959. For whom do you work?—For Henry Short.
960. What is he?—He is a miller, and chemical manure manufacturer.
961. At Berwick?—Yes.
962. How long have you worked for him?—First and last, for about 10 years; not exactly 10 years for him, about six years for him.
963. Where does he carry on his business?—His chemical works at Castle-gate, and his mills at Wareham.
964. You have been at Berwick two years and a half?—I have been in Berwick 16 years; I have lived in Chapel-street two years and a half.
965. How long have you known Cuthbertson?—I knew him long before I knew his name.
966. How long did you know him altogether?—It is 10 or 12 years ago since I knew him. I did not know his name then.
967. Which side of the street is Pringle's; it is in High-street, is it not?—Yes.
968. Which way were you coming?—I came down Church-street.
969. Where were you going to; in what direction were you going?—I came down Church-street, and turned to go up the High-street.
970. Towards the station?—I was not going to the station.
971. But was it in that direction?—In that direction.
972. On which side of the street is Vincent Pringle's?—On the north-east side, I should think; the right hand side.
973. And where were you walking?—On the flags.
974. This place where you saw some people talking, where does that lead to?—It is not a thoroughfare; there is just a yard there.
975. What is Vincent Pringle?—A butcher.
976. Is he here?—I have not seen him.
977. When did you see him last?—The day before I came here.
978. Where did you see him?—At the Town-hall.
979. At the Town-hall, Berwick?—Yes.
980. Did you ever talk to him about this afterwards; did you ever tell him what you had seen?—No.
981. You never told Vincent Pringle that you had seen him talking to Cuthbertson under the gateway?—No.
982. When you passed these people who were standing here, you said, "You are doing it there;" did they say anything to you?—Cuthbertson spoke, but I did not know whether it was spoken to me or not. He muttered out something; he did not say it properly out, but he spoke. I did not hear what he said.
983. This was at 10 o'clock at night?—Yes.
984. Was there a lamp there?—The lamp was further up.
985. Was it alight?—I am not sure; I think not. I think it was moonlight.
986. Have you gas-lamps at Berwick?—Yes. I do not think it would be lighted at that time of the year.
987. You do not have gas lighted in the summer months?—No, I think not.
988. Do you ever see any gas-lamps at that time of the year?—I cannot be sure.
989. You have lived for 16 years in Berwick?—Yes.
990. Then you do not know whether the gas is lighted then or not?—No; I never took that notice.
991. What is the width of this entry or passage?—A cart can get up it.

Re-Examined by Mr. *Welsby*.

992. You say that Pringle's house is near the Town-hall; how near is it to the passage or archway?—It joins; I rather think there is a small door, an old blocked-up door. I do not know whether that is his house or not, but his back-door is up the yard.
993. You say you have known Cuthbertson by sight for 12 years?—Yes.
994. And how long have you known his name?—Five or six years.
995. What is he?—I do not know what he is; he is anything he can get to do, I believe.

J. Gallagher.

12 March 1864.

996. Where does he live; in what part of the town?—I think he lives in Castle-street.

George How was called in; and, having been sworn, was Examined by Mr. Davison as follows:

George How.

997. YOU are a shoemaker, I believe, by trade?—Yes.

998. And a freeman of Berwick?—Yes.

999. At the last election, for whom did you vote?—For Cargill.

1000. You were canvassed, I believe, by both sides?—Yes, I was.

1001. On the Friday before the election were you in Mrs. Finlay's public-house?—I was.

1002. That is in Church-street, at the back of the Town-hall, is it not?—Yes.

1003. Was John Mace with you?—Yes.

1004. And a person of the name of Wallace?—Yes.

1005. What is his Christian name?—William, I think.

1006. He is a son of Samuel Wallace, the gunmaker at Berwick, is he not?—Well, I suppose he is.

1007. He passes for that?—Yes.

1008. Were these people with you in Mrs. Finlay's on Friday?—Yes, on the Friday.

1009. Did you go again to Mrs. Finlay's on the Monday morning?—Yes.

1010. About what time?—About 12 o'clock. I am not sure as to the time, but some time on the day before the poll.

1011. Was John Mace there again?—Yes.

1012. And the same William Wallace?—Yes.

1013. Joseph Dawson, was he there on the Friday, too?—Yes.

1014. There were the same three?—The same three.

1015. I believe you were in the front room, were you not?—Yes.

1016. In the taproom?—Yes.

1017. Did you go in or out, or did you stay in for a long time?—I went in and out.

1018. And did the others that you knew do the same?—I knew no others but they that were along with us.

1019. But there were other people there?—O yes, there were other people there; but I must give you to understand, first and foremost, that I am just a stranger as it were to the town, because I have been a long time out of it, and there is very few that I know in it.

1020. But there were other persons who went in and out like yourself and Wallace and Dawson?—Yes.

1021. Did you come out altogether?—We went out altogether about one o'clock, I think.

1022. Who went first?—They all went. I think Dawson. I am not sure now whether it was Dawson or not, but I was the last one coming out.

1023. Who went next of your party?—I think it was either Dawson or Wallace that went first.

1024. Who went next?—Mace.

1025. And you went last?—Yes.

1026. There was no one left in the room at that time?—You might say we all went nearly together.

1027. When you went was there any one left behind?—No.

1028. This was the polling day, was it not?—Yes.

1029. When you got to the door did you see something?—No, I saw nothing.

1030 Was there a table close to the door?—Yes, I think there was.

1031. Did you see anything under the table?—Nothing at all.

1032. Did you take anything up?—I never took anything up at all.

1033. Or saw anything?—Or saw anything.

1034. You have been examined, have you not?—Yes.

1035. And what you said was taken down by the gentleman who examined you?—Well, I am able, if I get an opportunity, to explain myself altogether, if it is allowed here.

1036. That is what we want you to do. Had you any sovereigns in your possession after you left the house?—I had no money or sovereigns in my possession at all after I left the house. None.

1037. When

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1037. When you left the house had you a packet?—I give you that answer. I had nothing at all.

1038. I did not ask you about a packet before; I asked you about sovereigns?—I had no packet.

1039. Did you put your hand under the table as you went out?—I never put my hand under the table at all. Never.

1040. After leaving the house at that time, did you go and poll?—Yes.

1041. And did Mace go with you?—Yes; I think we all went together.

1042. And Wallace?—And Wallace.

1043. And Dawson?—And Dawson.

1044. How did Mace poll?—Who did he vote for?—He will be able to answer that himself.

1045. But perhaps you will tell me. Did you not hear him poll?—I did not hear him.

1046. Did you hear Dawson poll?—Yes.

1047. Who did he poll for?—Cargill.

1048. Did you hear Wallace poll?—I could not say, because we all went into the place, but there were other things took my attention at the time. I suppose they would poll.

1049. Had the other people that had been in the house gone out; you and Dawson and Wallace went one after the other, passing this table?—They were all out before us.

1050. They went out one by one?—One by one.

1051. Do you mean to say that you did not pick up a packet as you went out?—I have told you that already.

1052. You say you did not?—I did not.

1053. Did you owe any rent at that time to your landlord?—If I owed any rent I could pay for it.

1054. Did you pay for it?—Well, I did.

1055. When did you pay for it?—I could not say the time.

1056. Was it, a very short time after you had been at Mrs. Finlay's?—It might be.

1057. When was it, as near as you can recollect?—I could not say at all. I am not prepared to say. I could not tell the day.

1058. Did you pay your landlord the rent which you owed him within a day or two after the election?—Perhaps it might be a week after.

1059. How much rent?—Eighteen shillings and ninepence, I think.

1060. Where did you get the money to pay it with?—I always took care of that.

1061. I do not intend to be inquisitive; did you get it in Mrs. Finlay's house?—No, never.

1062. Where did you get it?—I got it in Edinburgh. I was in Edinburgh, and I came from there and brought some few pounds with me.

1063. I dare say you paid your own expenses in coming from Edinburgh to Berwick?—Oh, yes.

1064. And did you go back again after the election?—No; I stopped in the town.

1065. What is the rent of your house?—It is 3 *l.* 15 *s.*

1066. A year?—A year.

1067. Then you owed a quarter of a year after the election?—Before the election.

1068. How did you owe rent at Berwick before the election when you had been living in Edinburgh?—I tell you I was in Edinburgh; there were two years expired; it was two years then before I could be entitled to vote.

1069. Did you owe two years' rent to your landlord?—I did not owe anything of the kind.

1070. How much did you owe to your landlord?—When it became due it was 18 *s.* 9 *d.*

1071. You had been working in Edinburgh?—Yes.

1072. And you brought your money from Edinburgh that you paid your landlord with?—You are going too fast; I tell you, I was two years from Edinburgh. I had first a house in Church-street.

1073. Then you kept the 18 *s.* 9 *d.* for two years?—I had more money than that.

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1074. How did it happen that the 18*s.* 9*d.* had come from Edinburgh?—I did not give him to understand that I said I brought money from Edinburgh.

1075. Do you mean to say that you paid your landlord a quarter's rent out of the money you earned in Edinburgh?—I paid everything I was indebted at Berwick out of the money that I brought from Edinburgh.

1076. Do you really mean to say that you did not get that money a week before the election?—I mean to swear it.

1077. Or about the time of the election?—I never received any money in connexion with an agent at all.

1078. What do you mean by "in connexion with an agent"?—You should understand that.

1079. Give us your understanding of it?—I will; any one in connexion.

1080. Who was Mr. Cargill's agent?—You asked me if I had received any money from an agent.

1081. No, I did not ask you that. I asked you whether you happened to see a packet on the floor under the table in Mrs. Finlay's house on the polling-day?—Yes; but you asked me another question before that.

1082. I ask you that question now. Did you see a packet lying under the table, and did you pick it up and walk out, and go up to the Scotch Gates with it?—I never did.

1083. Had you a packet at all at the Scotch Gates?—I had not.

1084. Do you know the Scotch Gates?—I think I do.

1085. Did you go there after going to Mrs. Finlay's on the polling-day?—Yes; but before going to that, did you not ask me if I was prepared to say that I never received any money from an agent?

1086. No; it was you who mentioned the agent. Did you get any money at all that day from anywhere?—No.

1087. Is this your handwriting [*handing a paper to the Witness*]?—This is my writing, and I will give an explanation of it, if you please.

1088. Just look at it; take it to your chair, and go and read it to yourself?—[*After reading the paper*] No; I do not agree with that at all.

1089. I will ask you first, what you said was taken down in your presence by the gentleman who examined you?—Under certain circumstances.

1090. Do you know Mr. Boig?—Yes.

1091. What is his Christian name, or what is he?—I could not say, I am sure.

1092. Do you know what he is?—Yes.

1093. What is he?—He is agent for a brewery.

1094. Did you tell Mr. Boig at any time that you had got a packet of money at Finlay's publichouse?—Well, he would not believe the truth from me. If you will allow me to explain myself I will do so. He sent for me one night when I was walking, and I had very little time indeed, but the party who came said he would not keep me five minutes, and that it was on a piece of business. I said, "Very well, I will come." I went to a publichouse of the name of Brown, in the Western-lane, and he says to me, "Come in, Mr. How, and sit down;" so I went in and sat down, and so he had some drink, and he offered me drink; so of course I took some drink with him. "Well, now," Says I, "to business; what is is it you want with me?" Says he, "I want you just to tell me how much you got;" so, of course, I laughed at him;" says I, "I never got anything." "Oh," says he, "I know better than that; says he, "Was not you at Finlay's?" says I, "I was;" says he, "Now," says he, "did you not just get 5*l.* for your vote?" Says I, "5*l.*?" says I, "That's ridiculous." "Come," says he, "I know it will be all right with you;" says he, "I will give you 5*l.*;" and then, says he, "You shall be made sure of another if you will tell me the truth." Says I, "I will tell you the truth;" says I, "I never got anything at all;" says I, "If you wish to deal in a childish manner with me it will not do." Well, we talked, and he was very kind, trying to give me liquor, and of course when I saw that he would not believe the truth, I actually did come out, and I told him; says I, "Well," says I, "I got 5*l.*;" says I, "If a lie will do better than the truth; for you," says I.

1095. Was it on the same day as the polling-day that you had that conversation with Boig?—No; it was a month or two after; I have not done yet.

1096. How did it happen that, a month after the election was over, Mr. Boig offered 5*l.*, and said he could make sure of 5*l.* more; what was it for?—To see if I could give him any information.

1097. Did

1097. Did he give you 5*l.*?—No.

1098. Now, I will put that paper into your hand again. Were you examined by a gentleman who came to Berwick?—No.

1099. Who were you examined by?—Mr. Burt.

1100. Here in London?—Yes.

1101. On what day?—Monday.

1102. Is that a month ago?—No.

1103. How long is it ago?—A fortnight, two weeks; or perhaps nine days.

1104. He took it down at the time that you gave him information, and you signed what he took down?—I signed it under circumstances.

1105. By the *Committee.*] Tell us why you signed it, if it was untrue; tell us the circumstances under which you say you signed it?—It was an untruth altogether. I was led astray altogether, and did not look it over.

1106. First of all; is that, or is it not, your handwriting (the signature)?—Yes.

1107. Was what you said taken down in Mr. Burt's office?—Yes.

1108. Was it read over to you before you signed it?—No.

1109. Under what circumstances did you sign it?—I told the gentleman flat, that I knew nothing, though I am come to London; but when he talked about Mr. Boig having said certain things to me, says I, "It is all false altogether." He would not believe the truth. I told Mr. Burt, the gentleman who examined me, "It is no use bringing me to London." Then he, just in a manner, kidnapped me from my place. I says, "I know nothing at all." Says he, "I know better, you do." "Well," says I, "I do not;" and he was even going to send me back again that day, which I insisted he should do. He would not do it, and laughed the thing over. Well, I just thought with him as I thought with Mr. Boig, that perhaps they just wished to have the thing romanced. Do you understand me?

1110. Did you state to Mr. Boig that you had got that money, the five sovereigns in the parcel; did you state that to him?—Not as a truth, but because he would not believe the truth when I told him at first.

1111. Mr. *Davison.*] Did you tell Mr. Burt that you believed that Davison and Wallace went out, and that you and Mace were left in Finlay's house?—Yes.

1112. By the *Committee.*] Did you make this statement to Mr. Boig, and sign it?—No, not to Mr. Boig.

1113. To Mr. Burt?—Yes.

1114. Did you sign it?—Yes.

1115. Was it read over to you before you signed it?—No, it was not.

1116. Did you state to him all you have put down there is a romance, and false?—Yes; and he knows that himself; and when I went to the door, Mr. Young knows that there were words between us, and I wanted to go away.

1117. What was it you told us about its being a romance?—I told him I could give him no information; I told Mr. Boig that before he brought me away.

1118. Did you tell Mr. Burt that it was all a romance after you had signed the paper, or before?—Before.

1119. And then you signed it?—Yes.

Cross-examined by Mr. *Clerk.*

1120. Is Mr. Young in this room?—Yes.

1121. Which is he?—I saw him just now.

1122. You have seen him in this room to-day?—Yes.

1123. Where did you see Mr. Young?—He was down at Mr. Burt's office.

1124. Is Mr. Young a Berwick man?—Yes

1125. Do you know his Christian name?—George.

1126. Were you at Brown's public-house more than once with Boig?—Twice.

1127. What did you tell him on the first occasion, when you were with him there?—I told him it was of no use, that it was only throwing the money away to offer to interfere with him at all, because I knew nothing.

1128. Did you have whiskey on that occasion?—Yes.

1129. Did he give it to you?—Yes.

1130. Was it toddy, or raw whiskey?—Both.

1131. How much did you get, do you suppose?—I suppose about 3*s.* or 4*s.* worth.

1132. On the first occasion?—Yes.

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1133. How soon after that was it that Mr. Ralph Boig had you up again at this same public-house?—About a week.

1134. About what time was it that this happened—that Ralph Boig had you up at Brown's public-house to get this story out of you?—I think about the latter end of January.

1135. Some six or seven months after the election?—Yes.

1136. Upon the second occasion, did you get whiskey again?—Both times.

1137. How much whiskey did you get the second time?—Always about the same.

1138. You say he told you that if you would tell him this, he would give you 5 *l.*, and that you would be sure of another 5 *l.*?—Yes.

1139. Upon which occasion was it that he said that?—On both occasions.

1140. When you came to London, and saw Mr. Young at Mr. Burt's office, did he tell you that he had heard from Ralph Boig; did Mr. Young or Mr. Burt tell you that?—Mr. Burt told me that.

1141. Then did he ask you questions?—He did.

1142. What did you tell him first when he asked you those questions?—I told him it was of no use; I told him what I told Mr. Boig, that it was only throwing money away to bring him here, because I knew nothing.

1143. How long were you at Mr. Burt's do you think?—I was several times there.

1144. On different days?—Yes.

1145. By the *Committee.*] Did he send to you, or did you go to him voluntarily?—I was sent for.

1146. Mr. *Clerk.*] Who brought you to London a fortnight ago?—Mr. Rankin.

1147. Is he a shoemaker?—Yes.

1148. He is a supporter of Mr. Mitchell?—Yes.

1149. He brought you up about a fortnight ago?—Yes.

1150. Who took you to Mr. Burt's?—Mr. Young.

1151. What is Mr. George Young?—A shoemaker.

1152. At Berwick?—Yes.

1153. You say you saw him at Mr. Burt's; was he at Mr. Burt's on more than one occasion with you?—Yes, on every occasion.

1154. You were there several times; did you tell Mr. Young on every one of those occasions, that it was no use asking you these questions, and that you knew nothing about it?—I told Mr. Young that repeatedly.

1155. And then they put down a statement which you had made to Mr. Boig, and at last you signed it?—Yes.

1156. By the *Committee.*] Have you much employment as a shoemaker?—Not very much at present; before I left there the trade was very dull.

1157. Were you in good employ at Edinburgh, so as to be able to save money?—Yes, I was in business there for myself.

1158. And the money which you brought from Edinburgh was money which you earned there by your work?—Yes.

1159. Mr. *Clerk.*] What is Young, do you know?—He is a shoemaker.

1160. George Young?—I think it is either George or Robert; I am not sure which; he worked in the same room with me, that is to Mr. Rankin.

Re-examined by Mr. *Davison.*

1161. My friend has asked you whether you told Mr. Burt the same story that you told Mr. Boig; did you make your statement of your own accord which was taken down and signed by you?—I made the statement first and foremost, that it was of no use, that what Mr. Boig and me had transacted between us was of no use; that it was of no use thinking to make anything of that; that it was only throwing their money away; I told them that candidly.

1162. Be good enough to answer my question: did you make that statement to which you put your signature, to Mr. Burt, in answer to questions that were put to you, or did you go through it of your own accord?—I went through it in this way, it was when he would not have the truth.

Mr. *Charles Burt*, was called in; and having been sworn, was Examined by Mr. *Welsby*, as follows:

Mr. *C. Burt.*

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1163. YOU are clerk to Mr. Drake?—I am.

1164. The solicitor for the petitioner?—Yes.

1165. And I believe you have had the management of this case on behalf of the petitioner; the collecting of the evidence?—I have.

1166. You have been down to Berwick?—I have.

1167. And you have examined witnesses in London also?—I have.

1168. About what time, so far as you can remember, was the last witness first brought to the office to be examined by you?—I think about a fortnight since.

1169. Was he at the office more than once to your knowledge?—I should say that he came up to London through my business. I do not think I saw him more than once at my office. I am not sure of that, but I think it would not be more than once.

1170. Did you see him anywhere else?—Yes; I saw him in Surrey-street, where he has been lodging.

1171. Which was the place that you first saw him at?—I think at my office.

1172. In Parliament-street?—In Parliament-street.

1173. Will you have the goodness to tell me what passed upon that occasion?—Nothing of any importance passed then. I believe I made an appointment to go to the house in Surrey-street, that I would see him there as to the evidence that he could give. I afterwards went to Surrey-street, and saw him. I saw him alone. I asked him what evidence he could give as to the election. I took down from him, I believe, word for word, the statement which is written on the first page of this paper. You will observe that the first page is only half a sheet; upon the remainder of the sheet there was added the words which the witness has said, or nearly so, that he received no money, that he had got nothing, and that he had got nothing further to tell me. Having heard from Mr. Boig that he had stated to Mr. Boig that he had received money at Finlay's public-house, of course I was very much astonished, and I think naturally. I pressed him much whether he was telling the truth or not. If it is allowable for me to say what I thought, I certainly thought that he was not telling the truth, and therefore I pressed him very much whether or not the statement he had given me was the truth or not. After I had pressed him a good deal, I thought I saw that he was yielding, and ultimately he said, "Well, I will tell you," and he then did tell me, I believe, in these words, what is written upon the second paper. I then tore up the half sheet, which contained his denial, and added to it the statement which is here. He never said after the second sheet was written, one word to the effect that it was untrue, and although I have seen him, I think, a dozen times since that, he has never hinted to me that the statement which he made to me was untrue.

1174. He signed the paper?—He signed it.

1175. Did he read it over himself; or did you read it over to him?—I do not think he read it over himself, and I cannot positively say that I read it over to him literally; but I should say I took it down word for word from his mouth, and I believe I read it over to him, but I cannot swear positively that I did.

1176. By the *Committee.*] Then the fact is, that the other half sheet contained the statement that he had made before?—That is so.

1177. He persevered in that statement until you pressed him?—For five or ten minutes. There is a date of the 1st of March 1864.

1178. I understand that in the first sheet he denied having received any money at all?—Yes; and I tore that off, to make it consistent with what I considered to be his true statement.

1179. Then, the fact is, that he distinctly told you at first, and several times, that he had not received any money from any person; though afterwards he said that he had?—Yes; he told me at first that he had not received any. I should say that the witness has stated or hinted to you that I spoke of sending him home to Berwick, and I think he has led the Committee to understand that that was because he would not give me the evidence I wanted. I ought to say that the conversation about his going to Berwick was several days after that statement had been signed.

Mr. *C. Burt.*

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Cross-examined by Mr. *Clerk.*

1180. You say you have seen him a dozen times since; was there any signature at the bottom of the first page?—No; there was not.

1181. You said that you had seen him a dozen times since?—I am speaking, of course, generally.

1182. Did you ever see him in the presence of Young? You know who I am referring to.—I have no doubt I have.

1183. Who is that Young to whom you refer?—A shoemaker, I believe, at Berwick, who was sent up here to look after our witnesses, and keep them together.

1184. Then the witness is right in saying that he had seen you in the presence of Young on several occasions?—To that extent he is right.

1185. Why was it that, having got this statement signed on the 1st of March, you saw him about a dozen times afterwards?—I did not want to see him; it simply happened that I went to the house to see other witnesses, and he was there.

1186. In Surrey-street?—Yes. I had 20 witnesses there, and, he being with the other witnesses, I saw him there.

1187. Did he never, in your presence, express a desire to go back to Berwick?—Only on an occasion when I wanted him to leave Surrey-street, to make way for other witnesses. He objected to that, and became angry, and I got angry too, and I said, "You had better go back to Berwick."

1188. Did he not tell you, or say in your presence, that it was of no use your keeping him in London, as he had nothing to tell?—Certainly not; I deny that.

Mr. *Howe* (the last *witness*).] I wish to ask Mr. Burt this question: Does he not remember that either on the first or second occasion I saw him he was going to send me back; either the first or the second time that ever I had an interview with him I told him that I could give him no information, and he says, "Then your evidence is not worth having; we had better send you back;" and I then said, "I accept your offer?"

1189. By the *Committee.* To Mr. *Burt.*] Did any conversation of that kind occur?—Certainly not, to the extent he has put it.

1190. Something of the kind?—Nothing to that effect.

1191. What did occur?—I have seen some 20 or 30 witnesses—(*considering*)—I must give that answer; certainly nothing to that effect.

1192. Or anything about going back to Berwick?—I think not, except on that occasion.

1193. Or that his evidence was not of any value?—No.

The following Paper referred to in the evidence of this and the last Witness was put in.

"George How will prove that he is a freeman of Berwick, a shoemaker by trade, and voted for Mr. Cargill at the last election. Witness was canvassed for his vote by both parties. On the Friday forenoon before the election John Mace Wallace (son of the gunmaker Samuel Wallace), Joseph Dawson, and witness went to Mrs. Finlay's public-house in Church-street, at the back of the Town Hall. On Monday, the polling day, witness went out from his house about 10 or 11 o'clock, and went to Mrs. Finlay's public-house and saw there the same three voters as on Friday in the front room (the tap-room); had some drink, for which they paid; went in and out several times. Between 12 and 1 o'clock the four were in the tap-room, and some others, perhaps a dozen altogether. Witness believes they were all voters. After being in the room about half an hour the men began to go out by ones and twos, until witness and his three friends were left alone. Witness thinks Dawson and Wallace then went out, and Mace and witness were left. Then Mace got up and went out, and witness followed him; and as he got to the door he saw under a table close to the door a small packet, and took it up and put it in his pocket. Witness felt that it was money, and understood that it was put there for him for his vote. Witness walked up to the Scotch Gates, and opened the packet, and found five sovereigns in it. Then came back and voted for Cargill, with Wallace and Mace, and all three went with Dawson to the other polling place to record his vote. All four came out, and after the poll was closed witness went home. Witness paid up his rent out of the 5*l.*, and spent the rest from time to time.

"Witness

"Witness gave this information first to Mr. Boig (who sent for him) in January last. The other men didn't tell witness they had got money, but he has no doubt they did. The freemen at Berwick are very 'close,' and talk very little about these things. Mr. *C. Burt.* 12 March 1864.

"1 March 1864. "*George How.*"

George Muir was called in; and, having been sworn, was Examined by Mr. *Davison*, as follows: *George Muir.*

1194. YOU are an engineer, I believe?—Yes.
1195. At present you live at Newcastle?—Yes.
1196. At the time of the last election you were living in Berwick?—Yes.
1197. Do you remember the polling day?—Yes.
1198. About six o'clock in the evening were you in the High-street, near the upper end of it?—Yes.
1199. Did you see Joseph Carse there?—Yes.
1200. Is Joseph Carse a freeman?—Yes.
1201. Is his father's name William?—Yes.
1202. Did Carse ask you to take a walk with him?—Yes, he did.
1203. Did you do so?—Yes.
1204. Down the street, I believe?—Yes.
1205. Did he say anything to you about the election?

Mr. *Clerk* objected to the question.

1206. You are not a voter?—No.
1207. Mr. *Clerk.*] Carse is not a voter?—No, he is not a freeman; he has not come of age yet.
1208. By the *Committee.*] Who was present at this conversation with Carse?—Just myself and him.
1209. Mr. *Davison.*] Is it Joseph Carse?—Yes.
1210. By the *Committee.*] Does he live in Berwick?—Yes.
1211. And is he alive there?—Yes.
1212. And John Dawson is alive, is he?—Yes.
1213. Mr. *Davison.*] Did Carse show you any money?—Yes.
1214. What was it?—Silver.
1215. Was it a small quantity?—It was shillings and half-crowns, and silver.
1216. Were there many of them?—As much as his hand could contain.
1217. Do you know John Dawson?—Yes.
1218. Did he go into Dawson's and leave you outside?—Yes, he did.
1219. Did you see him giving anything to John Dawson?—Yes, I saw him hand it to him outside, through the window.
1220. A handful of silver?—Yes.
1221. Could you form any opinion how much silver there was in his hand?—I could not form any idea.
1222. But was it a handful?—It was a handful.
1223. Dawson works, does he not, with Carse?—As far as I know.
1224. For Carse's father?—Yes.
1225. Did he come to you after the petition?—That was in the evening.
1226. When did you hear of the petition?—It was a month or two after.
1227. And he came to you, did he?—Yes.

Cross-examined by Mr. *Clerk.*

1228. Is Carse a shoemaker?—Yes.
1229. And does Dawson work for William Carse?—Yes; works for his father.
1230. And Joseph, I think, is a lad about the same age as yourself?—The same age as myself.

The Committee room was cleared.

After a short time the counsel and parties were called in and informed by the Chairman that the Committee were at present of opinion that the counsel

George Muir.

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for the Petitioners ought now either to prove the agency of M'Gall, Lochwell, and Cuthbertson, or apply to the Committee for an adjournment, in order to enable them to procure such evidence.

Mr. *Phinn* stated that the evidence to prove the acts of bribery would undoubtedly prove the agency of some of the parties referred to.

Peter Young was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

Peter Young.

1231. ARE you a fisherman?—Yes.

1232. Living at Berwick?—Yes, the Greens's.

1233. You are not a voter, I think?—No.

1234. Do you know William M'Gall?—Yes.

1235. How long have you known him?—I dare say since I was a boy.

1236. Do you know Cuthbertson?—Yes.

1237. I believe he goes by the name of Cuthbertson?—Yes.

1238. Do you recollect the Sunday night before the last election?—Yes.

1239. Where were you on that evening about 10 or a quarter past 10 o'clock?—Well, sir, I was at the place where we look out; that is, where the fishermen look out.

1240. Where they look out seaward?—Yes.

1241. Who was with you?—Other two fishermen.

1242. Can you give me their names?—Henry Shaw and William Johnson,

1243. Whilst you were standing looking out to seaward, did you see M'Gall?—Yes.

1244. Where did he come from?—From what we call the Rope-walk.

1245. I will not go into the conversation you had with him, but you had some conversation with him there?—Yes.

1246. After some conversation did you all stay together?—These two gentlemen went home to go to bed; these two fishermen.

1247. Did you stay talking with M'Gall, or what did you do?—No; M'Gall went away and left us three standing.

1248. After M'Gall had left you, did you see anybody else there? Do you know Cuthbertson?—I went down under the wall before I saw him.

1249. I do not want to take you through all your wanderings that night; I want to come to the main point; I suppose you must tell your own story in your own way; after this man had left you what did you do?—I went on to the wall.

1250. And how long did you stay there?—About three quarters of an hour; I could not tell exactly how long.

1251. Go on, and tell your own story; tell us what you saw?—Well, I saw a man and a lady, two men and a lady in the hollow, and I thought there was something up, and I went along the walls to overtake them; when I was going a man of the name of Story was there, and that took my attention off the party that I was going to see who they was.

1252. You had a conversation: you need not tell us what it was; what happened after that?—When I see'd Mr. Cuthbertson come up and speak to Mrs. Barlow.

1253. How soon after you had been for three quarters of an hour at this wall did Mrs. Barlow come up?—About ten or fifteen minutes I think.

1254. At the time did you know the woman to be Mrs. Barlow?—Not till I spoke to her.

1255. Who is Mrs. Barlow?—She keeps a small shop in Church-street.

1256. Has she a husband alive?—Yes.

1257. What is his name?—Andrew.

1258. Mrs. Barlow came, and you knew her?—Yes.

1259. Is her husband a freeman?—No.

1260. What is he, then?—He is a 10*l.* voter, I believe.

1261. Did you have a conversation with Mrs. Barlow?—Very little.

1262. Did you afterwards see her with Story?—I cannot remember.

1263. After you had seen Mrs. Barlow did you see Cuthbertson?—Yes.

1264. Where did you see him?—Standing in what I call the canteen door.

1265. Did

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1265. Did you see anybody speak to him there?—He came out and spoke to Mrs. Barlow.

1266. Did you hear what they were talking about?—No.

1267. Did you see him do anything?—No, not with Mrs. Barlow; no more than standing speaking.

1268. When Mrs. Barlow was speaking to Cuthbertson, was anybody by the side?—Not that I see.

1269. Do you say that you saw nobody besides Cuthbertson and Mrs. Barlow together? Was there another man anywhere near?—I saw one man, Story, down at the hollow; he had been with her before, I believe.

1270. Did you afterwards see Story any nearer to Cuthbertson?—I went up to Cuthbertson with him; Cuthbertson had left Mrs. Barlow.

1271. And you went up to Cuthbertson with Story?—Yes.

1272. Did you see Cuthbertson do anything?—No.

Cross-examined by Mr. *Clerk*.

1273. Have you seen Mrs. Barlow to day?—Yes.

1274. Where have you seen her?—In the Hall.

George Story was called in; and, having been sworn, was Examined by Mr. *Davison*, as follows:

George Story.

1275. DO you live in Berwick?—Yes.

1276. You are a cordwainer?—Yes.

1277. And you sometimes deal in fish?—Yes, sometimes.

1278. How long have you lived in Berwick?—Fourteen years.

1279. You have no vote, I believe?—No.

1280. Do you remember the Sunday before the last Berwick election?—Yes.

1281. Were you standing in your house a little after 10 o'clock on that evening, the Sunday evening?—Yes.

1282. Whilst you were there, did you see two persons of the names of James Unthank and George Curtain pass by?—Yes.

1283. Your house, I believe, is in Coxswain's-lane, is it not?—Yes.

1284. You had not your coat on at that time?—No.

1285. Did you go into the house and put your coat on?—Yes.

1286. And did you come out and follow Unthank and Curtain?—Yes.

1287. Are they voters?—Yes.

1288. Freemen or 10*l.* householders?—Freemen.

1289. Both of them are freemen?—Yes.

1290. There is a wall, is there not, near your house, one of the walls round Berwick?—Yes.

1291. Did they go in that direction, near the wash-house of the barracks?—Yes.

1292. And did you follow them?—Yes.

1293. Were they standing when you first saw them?—Yes.

1294. And when you got in sight, what became of them?—They went away.

1295. Did they go in the direction, towards the Parade?—Yes.

1296. Is that near to the canteen door that we have heard of?—Yes, about 20 yards from it, I think.

1297. Did you see a person standing at the canteen door just at the time that these men moved on? Did you see some one standing at the canteen door?—Yes; but it was a little after.

1298. It was after they had moved on?—Yes.

1299. Were you standing there at the time?—Yes.

1300. Did you stand about the place?—Yes.

1301. How far were you from the canteen door when you saw a person standing against the door?—It would be about 60 yards.

1302. Whilst you were standing there did a man come up?—Yes.

1303. Was that Peter Young, the fisherman?—Yes.

1304. Peter Young said something to you; you must not tell us what it was;

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what did you and Young do after that?—We went round the Mount for a few minutes.

1305. What became of you then?—I went another way, and left Young at the back side of the Mount.

1306. The way that you went, could a person at the canteen door see you?—No, I do not think it.

1307. Is there a wall between?—Yes.

1308. How did you go? Did you go your full height, or did you creep?—No, I crept.

1309. You crept round?—Yes.

1310. How near to the canteen door did you get?—It might be 15 yards.

1311. When you got to that point, could you see the canteen door?—No, I could not.

1312. Could you see any person standing near the canteen door?—No, not at that time.

1313. Do you know Mrs. Barlow?—Very well.

1314. Do you know her husband's name?—I do not know his first name; I knew him perfectly well.

1315. What is he?—He keeps a shop in Church-street.

1316. Is he a voter?—Yes, a 10 *l.* voter.

1317. When you were 15 yards from the canteen door, did you see Mrs. Barlow?—Yes; she came down the Slack.

1318. Was it from the Slack she was going?—She came down towards the canteen door.

1319. Was that from the Slack or towards the Slack?—Off the gravel walk towards the Slack.

1320. Did you see anyone come up to her, or did you see anyone go up to her?—Mr. Cuthbertson met her.

1321. Do you know his Christian name?—Yes, perfectly well.

1322. What is it?—Anthony.

1323. Did they come up to each other, or what happened?—She wanted some money from him.

1324. Could you hear what passed?—Perfectly well.

1325. What did you hear?—I think it was a trifle, not much.

1326. Tell us the trifle; who spoke?—She spoke first.

1327. What did she say?—She wanted to vote for Cargill.

1328. What did she want?—To vote for Cargill.

1329. What did she say to Cuthbertson. Tell us the whole of it in your own way?—She wanted money for her vote.

1330. What did she say? Tell us in your own way; tell us what you heard take place between Cuthbertson and Mrs. Barlow?—Well, she wanted money from him.

1331. Did she say how much?—She wanted 6 *l.* for her vote.

1332. What did he say to that?—It was more than was going.

1333. What said Mrs. Barlow?—She said she would not take no less; she would not take 4 *l.*

1334. Did he say anything about 4 *l.*?—He mentioned 4 *l.*; he said that 4 *l.* was going.

1335. And she said she would not take it?—Yes.

1336. Did you see any money?—How could I see money?

1337. Or did you hear any?—There was money, no doubt, changed.

1338. What do you mean by money changed?—Changed their hands; she got 4 *l.* 10 *s.* for her vote; that was what she got; it is no use talking a long time over it.

1339. What did you do?—I jumped down and knocked it out of her hand.

1340. Did you say anything?—No; they said plenty to me.

1341. Did you say nothing to them?—I said, "let us have a little share of what is going;" that is what I said.

1342. And then you say they said plenty to you?—Yes.

1343. What became of the money?—It went down.

1344. Did it stay there?—No, they picked it up.

1345. By the *Committee.*] Who picked it up?—Both of them picked it up.

1346. Mr.

1346. Mr. *Davison.*] What became of it?—I do not know what went of it after; they said there was half a sovereign lost.

1347. Who said that?—Mr. Cuthbertson.

1348. Did you get anything?—I got a small trifle.

1349. Who gave it to you?—Mr. Cuthbertson.

1350. Did you see Young again?—Yes, after that.

1351. Was it soon after that that Young came up?—Yes.

1352. What became of Cuthbertson?—After a scuffle they came up along the gravel-walk and walked along towards the powder magazine.

1353. Did you see him meet anyone?—Yes.

1354. Who?—A young man that was with Mrs. Barlow.

1355. Was Mrs. Barlow with a young man at that time?—Yes.

1356. And then did they go away out of your sight?—Yes.

Cross-examined by Mr. *Clerk.*

1357. Is your name Storey or Storer?—Storey.

1358. When did you come to town?—Well, I am sure I cannot tell; I may have been here better than three weeks.

1359. And where have you been staying since you have been in town?—At different places.

1360. Where are you staying now?—I am sure I cannot tell you where I am stopping; I have not got no card.

1361. Were you ever here in London before?—No.

1362. Were there any of the other Berwick people besides yourself?—Just me and Peter Young.

1363. Have you been by yourselves ever since you came to London? Where have you been staying?—At a coffee-shop.

1364. You have been the only two witnesses in that coffee-shop, as I understand you?—Yes.

1365. When you first came to London were you with some of the other witnesses?—No.

1366. Were you by yourselves for a long time, you two?—No; I was by myself for a long time, very near a fortnight.

1367. Well taken care of by yourself?—Yes.

1368. Have you seen Mrs. Barlow since you have been in town?—Once or twice.

1369. Where did you see her?—Down, stopping at the hotel.

1370. The same hotel where you are?—No.

1371. You went down and saw her at another hotel?—I was stopping there for a few days.

1372. Then you were stopping in the same hotel with Mrs. Barlow for some days?—Yes.

1373. Those were the witnesses of Mr. Mitchell who were there?—There was some.

1374. Mrs. Barlow was with them?—Yes.

1375. Have you seen Mrs. Barlow to-day?—No.

1376. Did you see her yesterday?—Yes.

1377. You say that Cuthbertson gave you some money?—Yes.

1378. What money did Cuthbertson give you?—Half-a-crown.

1379. Where was this?—Down agin the canteen door.

1380. My learned friend asked you whether you saw any money, and your answer was this: "How could I see money?" What did you mean by that?—I could not see the money, but I heard the money chink, and I jumped down to them.

1381. How far were you off then?—About 10 yards.

1382. Where were you?—On the top of the wall.

1383. Is that wall one of the walls of Berwick?—No; you would be in danger of falling off.

1384. But is there one of the public walks of Berwick round that wall?—Yes.

1385. What time of the day was this?—About half-past 10.

1386. In the evening?—Yes.

1387. An evening in June?—I think it was in June, but I am not sure.

 1388. But

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1388. But it was the day before the election?—Yes.

1389. Is not that wall a place where almost all the Berwick people walk on a warm evening?—Yes.

1390. You deal in fish, you say, sometimes?—Sometimes.

1391. Have you ever got into a little trouble about fish?—Sometimes.

1392. Did you cheat a man named Penman out of 20 *l.* worth of fish?—No.

1393. Let us hear a little about that?—You will hear nothing about that.

1394. Did Penman employ you to sell some fish?—Yes.

1395. He entrusted you with a lot of herrings?—He sent me to sell a lot of herrings, and I had a bad market and could not help myself.

1396. Was there 20 *l.* worth?—No.

1397. How much?—About 9 *l.* worth.

1398. Did you give him a sixpence?—No.

1399. Did you sell any of them?—I sold them at a sacrifice price. It took all to pay expenses.

1400. Do you mean to say that you gave Penman a sixpence for them?—No, I did not.

1401. Did you pay over to him any of the amount that you received for those herrings?—No; it took it all to pay expenses.

1402. Where did you sell them?—At Hawick.

1403. How far is Hawick from Berwick?—I cannot tell.

1404. Did you go by rail?—By railway.

1405. There is the North British Railway from Berwick to Hawick. How did you go; did you go by Kelso?—Yes.

1406. What is the fare from Berwick to Hawick?—It is dear; I do not know what it is. I have been two or three times; it would be more than 5*s.*

1407. Do you mean to say that it is more than 5*s.* from Berwick to Hawick?—I think so.

1408. You sold the herrings for 9 *l.*?—No.

1409. You said just now that you got 9 *l.* for them?—I did not; I said I had sold them at a sacrifice price.

1410. What did you say about 9 *l.*?—That was the amount of money that was owing.

1411. I asked you whether you did not get 20 *l.* for them, and you told me 9 *l.*?—I did not.

1412. How much did you get for them; what did you sell those 9 *l.* worth for?—About 3 *l.*

1413. Will you swear you did not get more than 3 *l.* for them?—I do not think I did get that much for them.

1414. Will you swear you did not?—I do not like swearing.

1415. There are people in Berwick who know this: will you swear that you did not get more than 3 *l.* for them?—I hate swearing; I can't swear any more.

1416. Will you state on your oath, to this Committee, that you did not receive more than 3 *l.* for those herrings?—You have not fetched me to London for me to state that.

1417. By the *Committee.*] What did you get for the herrings?—I cannot say.

1418. Did you get more or less than 3 *l.*?—I do not think I got much more.

1419. You think you got something more?—I do not know.

1420. By Mr. *Clerk.*] Did you ever pay him a sixpence?—No.

1421. How long did you stay away from Berwick, after you had sold these 3 *l.* worth of herrings or more, before you came back?—About two months.

1422. By the *Committee.*] Is not the truth this, that you sold the herrings and absconded; is not that the fact?—Well, it is.

1423. Is not that the short and the long of it?—Well, it is no use ——

1424. The temptation came over you, and you pocketed the money that you got for them?—Yes.

1425. By Mr. *Clerk.*] I do not think this is the only transaction of the same kind?—I have had no more.

1426. Do you know a man named Harry Gibson?—Perfectly well.

1427. Did he entrust you with some fish to sell for him?—Yes; but he got his money for them.

1428. When?—Every day.

1429. Do

1429. Do you mean to say that you did not play exactly the same trick with Harry Gibson that you did with Penman?—No, I did not.

1430. I did not say that it was 3*l.* worth, but have you not sold herrings for Gibson, and kept the money?—No; I never absconded.

1431. Have you never been charged with having done that by Harry Gibson?—No.

1432. Do you know a person named Downes?—Perfectly well.

1433. Have you ever sold fish for him?—He and I were at Hawick together.

1434. When was that?—I do not mind when, but we go there together.

1435. Do you sell herrings for Downes?—We both were selling together, both of us.

1436. Is he a hawker, like you?—Yes.

1437. Did you get into any trouble yourself at the time of the election?—I got my head cracked.

1438. Did you get drunk on the polling-day?—Yes.

1439. I believe you were running about the streets in your shirt, were you not?—No, I was not.

1440. What were you doing, according to your own account?—I was not running about the streets in my shirt.

1441. Were you without your shirt?—No.

1442. Were you in the streets, running up and down, drunk, with nothing on but your shirt?—On the polling-day?

1443. Yes?—No.

1444. Were you on any day?—No.

1445. What had you on besides your shirt?—I might have had a coat and waistcoat on.

1446. By the *Committee*]. Had you your trousers on?—No.

1447. Was it then that you got your head cracked?—Yes.

1448. I suppose the fact was you were drunk, got into a row, and got your head cracked?—Yes.

1449. By Mr. *Clerk.*] Were you running about the streets wanting your breeches?—No; I had them on.

1450. You said a moment ago that you had not got them on?—No, I did not.

1451. You said just this very moment that you had your coat and waistcoat on, but no trousers; you said that not a minute ago. Did you not say a minute ago that you had not got your trousers on?—I had my trousers on.

1452. By the *Committee.*] You were quite dressed?—I might have my coat off; I will not be sure.

1453. By Mr. *Clerk.*] A minute ago you said you were not in your shirt, because you had your coat and waistcoat on, but that you had not got your trousers on?—I had been drunk, and I might have stripped to my skin, for all I know, when I was drunk; it is a thing that I do not recollect at all.

1454. Where have you been since the election, as you distinguished yourself on that day?—I have been in Berwick.

1455. All the time?—Yes.

1456. Up to the time you came to London have you been constantly at Berwick?—Yes.

1457. What have you been doing in Berwick?—I have been working at shoemaking.

1458. In Berwick?—Yes.

1459. Have you been at Alnwick?—I was at Alnwick before I came up here.

1460. Where were you at Alnwick: where were you staying at Alnwick?—I was staying at a small publichouse at Alnwick.

1461. Do you know Mr. Rankin?—I know him pefectly well.

1462. Has Mr. Rankin got a shop in Alnwick?—Yes.

1463. Were you assisting in that shop in Alnwick?—No, I was not.

1464. How long were you in Alnwick?—About an hour or two as nearly as I could calculate. I could not say to ten minutes.

1465. Do you mean to tell the Committee that, since the last election, you have only been in Alnwick for an hour?—Just about an hour or two.

1466. You swear that?—Yes.

1467. Do not be in a hurry; I do not want to interrupt you. Just consider your answer.—I have answered you.

1468. You know where Alnwick is?—Yes.

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1469. And you know Rankin's shop?—Yes.

1470. Do you mean to swear that you have not been in Alnwick since the election except for an hour or two on your way up to town?—Yes.

1471. You swear that?—It might have been two hours.

1472. Might it have been one day?—No.

1473. Have you not been there more than a day?—About two or three hours, as near as I can recollect.

1474. How long is it since you were in Alnwick?—I cannot tell you.

1475. About how long?—Well, I believe it is three weeks past on Thursday, as near as I can recollect.

1476. Do you mean to say that from the time of the election until you were on your way to London you have been staying in Berwick?—Yes.

1477. The whole of the time?—Yes.

1478. Who took you to Alnwick?—Mr. Rankin.

1479. How did you go to Alnwick?—By train.

1480. You went to Alnwick first, and then came from Alnwick to London?—Yes.

1481. Did you see Mr. Rankin at Alnwick?—Yes.

1482. Where; at his shop there?—Yes.

1483. And that you say is the only day that you have been in Alnwick since the election?—Yes, for just about two or three hours.

Mr. *Phinn* stated that, desiring to comply with the wish expressed by the Committee, he would proceed now to give such evidence of agency as he could, upon the understanding that he was not thereby pledged not to produce further general evidence as to bribery.

The *Chairman* stated, that if Mr. Phinn pursued the course he proposed to take, he would not be considered as having compromised any right he might have to return general evidence of bribery.

Mr. *Edward Fernie* was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

Mr. E. Fernie.

1484. WHAT are you?—An accountant.

1485. Where are you living?—At Stafford.

1486. How long have you been residing there as an accountant?—I think six years.

1487. Have you been in the habit of attending at elections?—I have.

1488. Attending registrations?—Yes.

1489. And taking part in the elections in the borough of Stafford?—Yes; and other boroughs.

1490. Are you always on one side?—No; I have been on both sides.

1491. Do you remember previously to June, or in June last, receiving a letter from Mr. Wilkinson?—I received no letter from Mr. Wilkinson.

1492. Did you receive any request otherwise than by letter; I am examining you very much in the dark?—I gave Mr. Drake yesterday particulars as to the manner in which I received my instructions.

1493. Did you receive any instructions from Mr. Wilkinson?—No, I did not. I received a telegram from Mr. Lewis, of the Old Jewry (a solicitor), saying that he wished to see me in town the next morning at 9.15.

1494. By the *Committee.*] When was this?—On Monday the 22d of June, as far as I can charge my memory.

1495. Mr. *Phinn.*] What is Mr. Lewis?—He is of the firm of Harrison and Lewis.

1496. He is concerned in the London registration, on one side or the other, I believe?—No, I think not.

1497. The West Kent?—Yes.

1498. On the Conservative side?—Yes.

1499. You went to Mr. Lewis, I suppose?—I did.

1500. Did he refer you to anybody?—He referred me to Mr. Wilkinson.

1501. Who is Mr. Wilkinson?—A solicitor, at No. 4, Nicholas-lane.

1502. They are the agents for Mr. Cargill?—Yes, for this petition.

1503. You received instructions from Mr. Wilkinson?—I did.

1504. What

1504. What were those instructions?—He told me that Mr. Cargill was standing for Berwick; that the Berwick people were all at sea; that there was no system, and that he wished me to go down to Berwick and put them into shape.

1505. Did he tell you anything else?—Nothing more than that; no more definite instructions than that.

1506. Did you make any inquiries as to the mode of conducting the election?—Not the slightest. I may have asked the names of some parties there, and I believe Mr. Wilkinson gave me a letter of introduction to Mr. Cargill and to Mr. Weatherhead, but I could not swear to that.

1507. Did he give you two letters?—He gave me one to Mr. Cargill, but I cannot swear to Mr. Weatherhead.

1508. Before you left London did you go anywhere?—I went to the Bank of England, to search for some notes that had been passed fraudulently by a bankrupt.

1509. You did not go into the neighbourhood of Victoria-street?—I never was in Victoria-street; that is, I have never been to any house in Victoria-street in my life to my knowledge.

1510. You then went on to Berwick?—No; I told Mr. Wilkinson I could not go down till the next night, for I was engaged at home. I went down to Stafford, and went to Berwick on the Wednesday night.

1511. Before leaving London did you see Mr. Lewis again?—I could not say that I did or did not.

1512. Try if you can recollect?—I may possibly have called at his office, but I could not swear whether I did or not.

1513. Had you any money before you left London?—I received 15 *l.* from Mr. Wilkinson.

1514. Did you receive any money from any one else?—Not from any living creature.

1515. Nor a cheque?—I received a cheque for 15 *l.* from Mr. Wilkinson, and that was all I received.

1516. You then went to Stafford?—Yes.

1517. And then on to Berwick?—Yes.

1518. Where did you go to at Berwick?—To the King's Arms.

1519. Who did you find there?—Mr. Cargill.

1520. Did you see anybody else?—When I arrived there I saw Mr. Cargill.

1521. Did you see anybody else on your arrival; do you know Mr. Weatherhead?—No; I saw no one but Mr. Cargill.

1522. Did Mr. Cargill give you any directions or instructions?—He told me he wished me to prepare a canvass-book, to keep the state of the canvass, and said that if there was any information that I wanted to receive he thought Mr. Robert Thompson was the most capable man to give it to me.

1523. Who was Mr. Robert Thompson?—A draper.

1524. Perhaps you will fix a day for this?—This was on the Thursday previously to the election.

1525. Did you see Mr. Robert Thompson?—I did.

1526. Where was the business of the election conducted?—I instantly took a private room, as I always do, for myself alone.

1527. Where?—At the King's Arms.

1528. That is the hotel where Mr. Cargill was staying?—Yes.

1529. Did you then set to work?—I then set to work, and here (*producing a book*) is the result of my labours.

1530. I suppose you made some acquaintances in Berwick?—I made no acquaintances in Berwick. I will tell you all the parties, as far as my memory will enable me to do so, that I saw, if you wish it.

1531. You were referred to Mr. Robert Thompson?—Yes; I saw him, and had some conversation with him.

1532. Do you know Mr. M'Gall?—Yes.

1533. Did you see him?—I did

1534. How soon before the election did you see him?—I think I saw him on the Friday.

1535. Where?—At his own house.

1536. How came you to go to his house on the Friday?—Mr. Thompson (I

Mr. *E. Fernie.*

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believe it was Mr. Thompson) told me that he was a man who could give me information as regarded the freemen and householders, and I went to him.

1537. What sort of information was it that you wanted?—I wanted to know which way they would vote.

1538. What means did you take for ascertaining which way they would vote?—I took this book with me.

1539. And went through it with Mr. M'Gall?—I could not say that I went through it.

1540. What did you do?—If there were any of the voters that I had not got any remark against, as promised or as neuter, I made inquiry from him whether he could tell me which way they would vote.

1541. So from him you gained information as to the voters?—Information of that description.

1542. Did he tell you under what circumstances they were likely to vote?—No.

1543. Was anything mentioned about money?—No; it was never mentioned at all.

1544. Are you quite sure of that?—Certain.

1545. Had you a second interview with him?—I think I saw him three times; I think I saw him on the Friday afternoon, on the Saturday afternoon, and on the Sunday, about three or four o'clock

1546. Where did you see him on the Saturday?—I never saw him except at his own house.

1547. Having seen him on the Friday, what further information did you require from him on the Saturday?—Perhaps I had received no promises from some parties that he had told me of, and I went to ask him.

1548. As you had the charge of the canvass-book, somebody brought you returns from time to time how people were going to vote, I suppose?—I have no doubt they did.

1549. Who were the persons who were properly occupied in bringing those returns?—I think Mr. Robert Thompson brought me as many as anybody.

1550. Do you know a man named Cuthbertson?—I never saw him until I saw him in the corridor out here, to my knowledge.

1551. Mr. Robert Thompson brought you the returns; who else?—Mr. Weatherhead brought me some, and Mr. Rowland brought me some.

1552. Mr. M'Gall?—I never saw him except in his own house.

1553. Can you tell me what promises you had got up to the second interview?—I could not tell you what promises I had; I have no means of ascertaining.

1554. Let me see how you keep your book *(the book was handed to Mr. Phinn)*. Is this your original book?—Yes, that is the original book.

1555. Made out at the time?—Made out at the time.

1556. What does B mean?—Those are memoranda made from the list that was delivered by Mr. Mitchell the other day.

1557. Is this a canvass-book or a voting-book?—A canvass-book.

1558. Were these ticks put there as the votes were promised, or as the parties went to the poll?—They were put down at the time the promise was made.

1559. By the *Committee.*] Were "B's" recently put there?—They were put there from Mr. Mitchell's list, meaning "bribery;" we are charged with bribing those men.

1560. These "B's" were not put there at the time?—No, they were put there last week. "B B" means that they are charged with having received bribes, and with having given bribes.

1561. Mr. *Phinn.*] That is a matter long subsequent to the election?—Yes; it was done last week.

1562. Did you keep all those names in the book yourself?—Yes.

1563. From the register?—From the register.

1564. I want you to be good enough to turn to George Bogue's name?—It is Number 28.

1565. How have you got it returned there?—As promising?

1566. Yes?—As promised to us.

1567. Who told you that it was promised to you?—I cannot tell you now.

1568. Can you tell me whether M'Gall told you or Thompson?—I do not think M'Gall did, but I cannot state who told me.

1569. Was

1569. Was there not a rough list brought in by the people of those who had promised?—I never received a rough list at all. This book I kept expressly for myself, and put down the promises as they were given to me, exactly as they are here now.

1570. Had you no other book at the election?—No.

1571. No list?—What do you mean by a list? This is a copy of the register.

1572. Had you a list besides that?—I had not.

1573. Do you mean to say that that is the only document containing the names of voters that you had during the election?—Except the printed documents.

1574. Had you nothing given to you in the handwriting of anybody during the election?—I had nothing at all, except this.

1575. Can you tell me the name of any voter who was mentioned to you by M'Gall?—I really cannot.

1576. Do you really mean to say that you cannot tell me the name of any one voter that was mentioned to you by M'Gall?—I cannot.

1577. Did you get the names of voters from him?—I do not think I got the promises from him; I may or may not; I could not charge my memory.

1578. You saw him three times in his own house, and you say you cannot charge your memory with his having given you the name of any voter who had promised?—I cannot.

1579. What was the object of your seeing him?—Because there were men about whom I wanted to ask him a question; I could not tell the names now.

1580. You cannot tell me the name of anyone?—I cannot.

1581. You saw him on the Friday, and on the Saturday; at what time on the Saturday?—Generally, it was between three and four.

1582. Can you tell me how many freemen had promised up to the Saturday?—I could not tell you; I closed this canvass-book on the Sunday night. I could tell you, if you would allow me to count them, what the promises were on the Sunday night; I know I told Mr. Cargill on the Saturday night that I had no doubt he would be returned, the state of the canvass was such.

1583. Can you tell me anything that passed beween you and M'Gall as to any voters?—I cannot.

1584. Had you known anything about M'Gall; had you heard of his antecedents at all?—I never heard of the man before I got there.

1585. Had you any conversation with Mr. Cargill as to M'Gall?—I never heard his name mentioned by Mr. Cargill.

1586. Or by Mr. Thompson?—I think he mentioned him to me.

1587. Had you any conversations with Mr. Weatherhead about him?—I would not swear that his name was not mentioned.

1588. Was he not mentioned to you as a man who had been reported against for bribery?—The Blue Book was referred to, but I never saw it, and I never heard his name mentioned until I got there.

1589. Who mentioned his name to you?—I think Mr. Thompson.

1590. Did anybody go with you to M'Gall on either of these occasions?—No.

1591. When last did you see M'Gall?—About a fortnight since.

1592. Where did you see him?—I could not tell the name of the coffee-house, but it is just opposite the Middlesex Hospital.

1593. How did you come to find M'Gall there?—M'Gall wrote to me and told me he wished to see me.

1594. Have you got his letter?—No, I have not.

1595. Nowhere?—No.

1596. Were you at that time engaged in getting up evidence for the sitting member?—Yes.

1597. What has become of the letter?—I burnt it at the time I received it.

1598. Tell us what was in it?—"I want to see you on a matter of importance," (or something tantamount to that), "and will meet you at the coffee-house opposite the Middlesex Hospital." I may mention, that what he wanted to tell me was this, that Mr. Mitchell's brother had given 20 *l.* for two dogs to Henry Gibson; that was what he told me.

1599. Did you inquire of him what he had been doing at Berwick?—No; I did not ask him any questions. I thought, "Where ignorance is bliss 'tis folly to be wise!"

Mr. *E. Fernie.*

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1600. Have you been looking for him since?—No.

1601. Having succeeded at Berwick, did you go back to Mr. Wilkinson?—I came up to London the day after the election.

1602. Did you take 600 *l.* down to Berwick?—No.

1603. Be careful! Do you know Mr. Robinson of Stafford?—Yes, I do.

1604. Did you tell Mr. Robinson of Stafford that you had taken 600 *l.* from London to give to the voters?—I dare say I told Mr. Robinson of Stafford something tantamount to that, because I knew he was one of the Radicals, and was fishing.

1605. Did you tell him that you had taken down 600 *l.* from London to give to voters?—No; I am confident I did not. I may have told him that I took 600 *l.* down to Berwick; I could not swear that I did. If I did, it would not be told in that way.

1606. Did you say this, that it had been arranged that you were to give so much to each voter, but that you had got a good many to vote without payment, and that you had put the money into your own pocket?—Never in my life.

1607. When was this conversation with Mr. Robinson?—I could not tell.

1608. How long was it after you came from Berwick?—I could not tell you

1609. Was it within six months?—It must have been.

1610. Within three months?—I could not tell.

1611. Do you swear before this Committee that you cannot swear whether it was within six months or within three months?—I will swear that I cannot tell.

1612. Did you say that it was a hard-fought election, and that although you had only taken down 600 *l.*, the whole expense was 3,000 *l.*?—I did not.

1613. Nor words to that effect?—I do not think I did.

1614. Just recollect yourself. Upon your oath, did you not tell him that, although you had only taken down 600 *l.*, the election had cost 3,000 *l.*?—I do not think I did. I will tell you at once what the fact is. I told him what I did, knowing that he was connected with a certain party in London, on purpose that he might report it to them.

1615. Have you ever been employed in bribing?—Never in my life.

1616. Upon your oath?—Upon my oath.

1617. Have you ever taken money to an election?—Never in my life.

1618. Recollect yourself.—Yes, I do.

1619. Were you employed in West Kent?—Yes.

1620. Were you not charged with taking money there?—No.

1621. Do you know Mr. George Owen, the High Bailiff of Stafford?—Yes.

1622. Did you state to him, in the presence of Mr. Fairhead, that you had taken money down to Berwick?—To the best of my recollection I never did.

1623. Will you swear that you did not?—I think I can; they are entirely among the Radical party, but I tell you candidly that I did everything I could to throw them off their guard. They were endeavouring to chaff me, and I chaffed them back again.

1624. By the *Committee.*] If any of those conversations did occur, do you now tell the Committee, on your oath, that it was chaffing in the ordinary way in which two men of opposite parties will chaff one another?—Yes.

1625. Mr. *Phinn.*] Did you state to Mr. Owen, the High Bailiff of Stafford, in the presence of Mr. Fairhead, that you had taken money down to Berwick?—I tell you, as I told the Chairman, that whatever was said to them was said as chaffing.

1626. By the *Committee.*] Did you say that or not?—I cannot say whether I did or not; I may have said it.

1627. Mr. *Phinn.*] Did you say that, or did you say words to that effect?—I may have said words to that effect.

1628. Is it likely that you could have said it and forgotten?—If I said it, it was said in chaff.

1629. Did you say to Mr. George Owen, the High Bailiff, in the presence of Mr. Fairhead, that you had taken money down to Berwick, or words to that effect?—I might have said it.

1630. Did you? I will have an answer one way or the other!—I can say no further than I have said.

1631. By the *Committee.*] If you did say those words, they were only said in fun?—Only in fun.

1632. I assume,

1632. I assume, from what you said, that you believe you did say that?—Or words to that effect I may have said.

1633. Mr. *Phinn.*] Upon your oath, is it not true that you did take money to Berwick?—I never in my life took any money to Berwick, except to pay my own expenses.

1634. Did you get any money when you were at Berwick?—I did not.

1635. Did any money pass through your hands when you were at Berwick?—It did not.

1636. Did you not hand any money to M'Gall?—I did not.

1637. Had you any conversation with M'Gall about money?—No.

1638. Did not M'Gall tell you that some of the voters could not be got to vote without money?—No, he did not.

1639. Nothing to that effect?—Nothing to that effect.

1640. Do you know a man named Selby Lockwell?—No, not from Adam.

1641. You have been employed to get up evidence for the sitting member; did you tell Mr. Wilkinson that you understood that money had been going at Berwick on his side?—On Mr. Wilkinson's side?

1642. Yes?—No, I told him to the contrary; I said that money had been given on the other side; I told him that.

1643. But did you tell him that money had been going on your side?—I did not.

1644. Did he mention to you that there were charges of bribery and treating against his client?—He told me that they were charged in the petition with it.

1645. Did you not say to him "there was money going?"—No, I did not.

1646. But something to that effect?—Nothing of that kind.

1647. You say you have been getting up evidence; have you had given to you the list of voters that we have charged to have been bribed?—I received it last week.

1648. Have you had any communication with him upon the subject?—Not the slightest.

1649. Did you suggest a communication with him to Mr. Wilkinson?—No, I did not.

Cross-examined by Mr. *Clerk.*

1650. You say that you took no money down to Berwick, except for your own personal expenses, 15 *l.*; you have mentioned the names of three gentlemen from whom you received information; one of those gentlemen was Mr. Thompson, he is a shopkeeper at Berwick, is he not?—Yes.

1651. And a magistrate?—And an alderman.

1652. Is Mr. Weatherhead a solicitor in the town?—Yes.

1653. And is Mr. Rowland, the other gentleman who gave you information, also a solicitor in that town?—Yes, he is.

1654. Did you give that man M'Gall, whose name has been mentioned, any employment whatever during the election?—Not the slightest.

1655. Mr. *Phinn.*] There is one question that I ought to have put to the witness, which I will ask leave to put through the Committee, that is, whether he had not in his possession yesterday, a small book nine inches long, referring to the election?—No; this which I have produced is the only book I had; I have not the slightest doubt that this is (*producing a small Memorandum Book*) the book that is referred to in your question, and you will find that it contains an account of the election expenses for coroner at Stafford.

Examined by the Committee.

1656. Had you any conversation with anybody on behalf of Mr. Cargill, directing them to offer bribes, or in which you were told that bribes were offered?—No.

1657. Did Mr. Cargill give you directions to offer money, or did he give you directions to prevent anything like bribery or treating?—He gave me directions to prevent anything like bribery or treating going forward.

1658. Did he give you those directions?—He gave me those special directions.

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1659. And did you communicate that to any persons?—Yes; I made it patent to everybody I saw connected with the election.

1660. You desired them to be very cautious not to offer bribes or to allow other persons to offer them?—Yes; just at that time there was the usual rumour that money was flying about. A new Act of Parliament had come into operation a few days before, and I called the attention of parties to that Act, telling them that there were special provisions in it which were not contained in the former one.

1661. Was that Section 7 which provides that a witness shall not be protected from answering?—I am not sure which section it is.

1662. Did you tell the men who were employed to be also cautious not to offer bribes to anybody?—Yes; I told them to be particularly cautious not to give money or to spend money in treating; and I may mention that in all the elections I ever was at, I never saw so little money or so little drink passing in my life.

1663. Did Mr. Cargill give you those orders?—He did.

1664. And did you communicate that to everybody?—Yes.

1665. Did you tell that to M'Gall?—I told everybody that I spoke to about the election.

1666. Did you tell them so, honestly, because there are two ways of telling them that; did you tell it to them *boná fide*?—Yes, I told it to them *boná fide*.

1667. Intending those directions to be acted upon?—Yes.

1668. And you told Mr. M'Gall that?—I believe I did; I believe I told it to everybody; it was my usual plan to do so.

1669. Have you had experience enough of elections to know that subordinates do many things without authority, thinking that their acts will be ratified afterwards?—Yes.

1670. And you wished to check that?—Yes.

Mr. *William Robinson* was called in; and having been Sworn, was Examined by Mr. *Phinn*, as follows:

Mr. *W. Robinson.*

1671. ARE you a solicitor at Stafford?—I am.

1672. Do you know Edward Fernie?—I do.

1673. Have you been in the habit of employing him occasionally as an accountant?—Occasionally I have.

1674. Have you had occasion from time to time, to employ him on law business, connected with your office?—I have occasionally.

1675. Had you such occasion in June last?—I had.

1676. I believe that you applied at his house, and found that he was absent?—I did.

1677. Did you, in a few days, see him?—I did.

1678. Do you remember what day in June it was?—It was not in June when I saw him.

1679. How long was it afterwards?—It would be, I believe, the first week in July.

1680. Did you go to him, or did he come to you?—He called upon me at my office.

1681. Will you tell us, if you please, what passed; tell us what he said?—He said, first of all, why he had called; that he had heard I wished to see him, and then he said that he had been down to Berwick on Mr. Cargill's behalf. He said he had previously been to London; that he had there got 600 *l.*, and that he took it down to Berwick; he said that he had given that money to the voters there; he said some of the voters he had induced to vote without giving them any money, and that the sum which was to be appropriated to each of those voters he put in his pocket, and he supposed that was no sin. He said that that was the whole of the money that he took down, but that the total expenses of the election were between 2,000 *l.* and 3,000 *l.*

1682. Was this said in answer to any questions, or to satisfy any curiosity on your part?—Certainly not.

1683. Was it said in a chaffing manner?—No, it was not.

1684. Had you intimated to him any desire to know where he had been, or

or what he had been about?—I had not; I did not ask him one single question with regard to it.

1685. It did so happen, I believe, that you never communicated this for a long time to anybody in our interest?—No, I did not.

1686. Were you applied to by the solicitors for the petitioner to serve a Speaker's warrant on Mr. Fernie?—I was.

1687. In the usual way; as agency business?—Yes; and then, for the first time, I communicated it to them.

1688. When was that?—Last Monday.

1689. Did you receive, on or about the 4th of March, or within a day or two, instructions to try to serve a formal warrant on Mr. Fernie?—I did.

1690. I believe he was absent?—He was.

1691. Are you on those terms between yourself and Mr. Fernie that you indulge in chaffing one another?—We never have done so.

1692. Have you treated him as an equal ever with that familiarity?—Well, we have been familiar certainly, but we have never chaffed one another, that I positively say.

Cross-examined by Mr. *Clerk*.

1693. Was anybody present when this conversation to which you allude took place?—There was not; it was in my private office, and there was no one present.

1694. Had you employed him for some time prior to this?—Occasionally; rarely.

1695. Have you employed him since?—I have.

1696. And did you think him a person who could be trusted?—If you ask me that question, I say certainly not.

1697. He is a person who, according to your account, had come to you, and told you deliberately that he had betrayed his employers; you say he came and blurted this out to you, and that you employed him afterwards?—Once only, and then I was compelled to do so.

1698. When was that?—To the best of my recollection, last August; and I will tell you why, if you like: it was to prepare a balance sheet for a bankrupt; it had to be done that very night; Mr. Fernie worked the whole night at it, and the reason why I employed him was because I could get no one else.

1699. Was that the matter with reference to which he had been to the Bank of England about some notes?—No; it was another matter.

1700. On which side in politics are you in Stafford?—I am a Liberal.

1701. Did you know what interest Mr. Cargill had been standing in?—I did not then.

1702. When?—Not until Mr. Fernie told me.

1703. But Mr. Fernie was well aware what your party was in Stafford?—Certainly.

1704. You take rather an active part, do you not, on behalf of the Liberal party in Stafford?—I do.

1705. Are you not generally the accredited agent for the Liberal party in Stafford?—I have only been so within the last two years.

1706. Mr. Fernie would know that party well, would he not?—No doubt he would.

1707. Have you recently been opposed to one another in a contest in Stafford?—He was the agent for my opponent.

1708. Was that a contest for the coronership of Stafford?—It was.

1709. Is Mr. Fernie the Conservative agent in Stafford?—I believe he is.

1710. Your account is, that Mr. Fernie, having been employed by Mr. Cargill at the election at Berwick, came to your office, and there blurted out that he had taken down to Berwick 600 *l.*; that he had spent some of it in bribery, and had put the rest in his pocket. Is that what you state?—It is.

Re-examined by Mr. *Phinn.*

1711. Mr. Fernie has told us that he had been employed on both sides. Are you aware of that fact?—I do not know what you mean by "both sides."

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1712. That he has been sometimes active on one side in politics and sometimes on the other?—Yes.

1713. My friend asked you whether he is a man you would trust, and you said he is not. I must now ask your reason?

Mr. *Clerk* objected to the question.

Mr. *Phinn* was heard in support of it.

The *Committee* decided that the question might be put.

1714. By Mr. *Phinn.*] Tell me why you would not trust him?—Because I believed that he did not keep the secrets of those who employed him.

1715. Do you mean with reference to that, or any prior occasion?—Which occasion do you mean?

1716. When did you form that opinion of him?—It was on an occasion previous to his going to Berwick.

1717. *Committee* (to Mr. *Fernie*).] Is there anything you would wish to ask Mr. Robinson?—(Mr. *Fernie.*) No; I do not vary from any statement that I have made before.

1718. *Committee.*] Do you swear that what you said to him you said in a joking way?—(Mr. *Fernie.*) To the best of my recollection, I did not tell him at the time anything like the conversation; but if I did, it was done, as I told you before, as a joke.

1719. *Committee.*] Would you like to give any explanation of the statement that has been made by Mr. Robinson, as to your having betrayed your employer's secrets?—(Mr. *Fernie.*) It is unknown to me if I ever have done so. I would make this remark, that I have been twice retained to oppose Mr. Robinson for the office of coroner.—(Mr. *Robinson.*) I have only been a candidate for the office once.—(Mr. *Fernie.*) It was your brother, and I believe you were partners.

Mr. *Phinn* stated that he proposed now to called witnesses with a view to ask the Committee to obtain leave from the House to adjourn, in order to afford the agents of the Petitioners an opportunity of producing certain witnesses who, it was believed, could give material evidence in support of the petition.

Mr. *Charles Burt* was again called in; and further Examined by Mr. *Davison*, as follows:

Mr. *C. Burt.*

1720. YOU have stated that you have had the management of this case on behalf of the petitioners?—I have.

1721. When was it that you got a Speaker's warrant first for M'Gall?—On the 8th of February; the House met on the 4th of February, and the 8th I believe was the Monday following.

1722. Did you immediately take measures to have it served upon him?—I did.

1723. And, I believe, without effect?—Without effect.

1724. Have you used every endeavour in your power to find out his whereabouts?—I have used every endeavour.

1725. But you have entirely failed?—I have entirely failed; I have had a dozen men at work endeavouring to find him.

1726. I believe you have advertised for him?—No; not for M'Gall.

1727. You have had a dozen men at work, you say, trying to find him?—Yes.

1728. Have you had detectives employed?—I have.

1729. Have you advertised for him?—For Lockwell I have; not for M'Gall.

Cross-examined by Mr. *Clerk.*

1730. When was your petition presented?—In July.

1731. Do you know what day in July?—I cannot exactly remember, but the petition itself will show.

1732. It must have been within 14 days after the return?—The return was on the

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the 21st or the 22d of June. I see in the votes it is printed. The date is the 13th of July; it would therefore be on the previous day.

1733. Did you issue any warrants last Session?—No.

1734. The House met for business on the 4th of February?—Yes.

1735. And you first applied for a warrant on the 8th?—Yes.

Re-examined by Mr. *Phinn.*

1736. You are aware of the form of the warrant that it is to appear when he gets notice?—It is so.

1737. The time is not fixed in the warrant; he is to appear when he gets notice?—The Committee is perhaps aware that the warrant requires a witness to attend the Committee appointed to try the petition upon such a day as the agents shall notify to him. The Committee not having been appointed, no notice could be served, even if we had been able to serve the warrant last Session. If one had been granted, it would simply have given him notice to get out of the way.

1738. Were you aware that according to the practice of the House it was not at all probable that the petition could be proceeded with last Session?—I was.

Further Cross-examined by Mr. *Clerk.*

1739. Did you advertise for Lockwell more than once?—Yes; I have advertised, I think, in seven papers.

1740. On different days?—On two or three different days.

1741. When was that?—Last week, or the early part of this week; before that we had been endeavouring to find him.

Examined by the Committee.

1742. Did you make any effort to get the evidence of a man named Cuthbertson?—I did not; I knew him to be an agent on the other side.

1743. And so also was Lockwell?—But he had given his evidence previously.

1744. Was not M'Gall an agent on the other side?—He was.

1745. Why did you try to get M'Gall and not try to get Cuthbertson?—Because M'Gall was the briber in a 100 cases, and Cuthbertson only in two, so far as we know.

1746. But you supposed Lockwell to have gone away in consequence of having received money from the other side; Cuthbertson is no more an agent of the other side than Lockwell is?—I beg your pardon; I think much more; Cuthbertson was a paid canvasser.

1747. Did M'Gall give you his evidence?—I have never been able to see him.

1748. Was not he a paid canvasser?—I do not know whether he was paid; he does not appear in the accounts as being an agent.

Thomas Hood was called in; and, having been Sworn, was Examined by Mr. *Welsby.*

1749. DO you live in Newcastle?—Yes.

1750. I believe you were employed about the end of last year in a barber's shop there?—I am there now.

T. Hood.

1751. Were you there at the end of last year?—Yes.

1752. Do you remember Selby Lockwell coming to get work there?—Yes.

1753. Can you tell me about what time it was?—No, I could not swear to that.

1754. Was it about the end of last year, do you think?—It was last year.

1755. Did he have any conversations with you (I do not ask you what they were,) about the Berwick election?—No; I cannot say he did.

1756. Did he appear to you to have money? Did you see him with any money?—Yes, I have seen him with money.

1757. I believe he has treated you sometimes to drink?—I have got drink from him.

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1758. Do you remember his coming to your house on Sunday evening and having tea with you?—Yes.

1759. Did he tell you that he had come to bid you good-bye?—No, not to bid me good-bye.

1760. Tell me what he said, in your own way; it is very hard to extract it from you?—He came and had tea with me one night, and my companion, John Harp.

1761. Did he say anything about going away?—Yes, he said he was going away at two o'clock on Monday morning,

1762. Did he say anything about a letter?—I see'd a letter.

1763. Did he take it out of his pocket?—Yes.

1764. Did you see anything on the top of it printed?—Yes, I think I did.

1765. What was it?—I think it was "North Eastern Railway."

1766. Did he tell you who he got it from?—No; he did not.

1767. At what time did he leave you that night?—At twenty minutes to one o'clock on the Monday morning.

1768. Had you gone with him to a public house (Gibson's) for his carpet bag?—Yes.

1769. And you left him between twelve and one o'clock; where was he going then?—He was going to his lodgings then.

1770. Did he say what for?—For his clothes.

1771. To pack them up?—In his carpet bag.

1772. Have you ever seen him since?—No.

1773. Have you ever heard where he is now, or do you know anything about him?—No.

Cross-examined by Mr. *Clerk*.

1774. Had you ever seen him before he came to Newcastle?—A few times I had.

1775. You had seen him before, had you?—Yes.

1776. Had you seen him before he came to Newcastle last year?—Yes.

1777. Was he employed at Mr. Hamilton's?—Yes.

1778. In the barber's shop?—Yes.

1779. Was he a journeyman?—Yes.

1780. At so much a week?—Yes.

1781. Was there anybody else employed there besides you?—I was not working in Hamilton's shop when he was there.

1782. Had Hamilton any other assistants?—Yes.

1783. *By the Committee.*] What was there on the top of this paper that you saw printed, do you remember?—I said the "North Eastern."

1784. The North Eastern Railway?—Yes.

Mr. *Phinn* was heard in support of his application for an adjournment.

Mr. *Clerk* was heard against the application. Mr. *Phinn* was heard in reply.

The Committee Room was cleared.

After a short time, Counsel and parties were called in and informed by the Chairman that Mr. *Phinn's* application could not be complied with.

[Adjourned to Monday, at Half-past Eleven o'clock.

Lunæ, 14° *die Martii* 1864.

ROBERT LONGFIELD, Esq., IN THE CHAIR.

The names of the members were called over: all present.

Mr. *Phinn* stated that since the rising of the Committee, on Saturday, the counsel for the petitioner had come to the conclusion that, after the refusal of the Committee to ask for the leave of the House to adjourn, in order to enable the petitioner to secure the attendance of witnesses whose evidence was material to his case, it would be impossible for them to proceed further, with a view to establish the charge of bribery against the sitting member, or his agents, or to go on with the scrutiny; and he therefore now, on the petitioner's behalf, desired to intimate to the Committee, that he did not propose further to prosecute the petition; he desired to state, however, that the petitioner had been prepared to prove other cases of bribery, and that he (Mr. Phinn) was willing, if the Committee desired it, to submit to them, as had been done in other cases, such information as the agents of the petitioner possessed with regard to those cases.

Mr. *Cooke* stated that such a course had only been taken where the sitting member had been unseated.

The Committee room was cleared.

After a short time the counsel and parties were called in, and informed by the Chairman that the Committee had no course to suggest, with reference to the intimation of Mr. Phinn; and that if no application was made to them on behalf of the sitting member; the Committee would now proceed to consider their report.

No further application being made, the Committee room was cleared.

After some time the counsel and parties were called in and informed by the Chairman, that the Committee, after deliberation, had unanimously resolved:—

1st. That Mr. Cargill was duly elected.

2dly. That no case of bribery had been proved.

3dly. That it was not proved that corrupt practices prevailed at the said election; and that there was no evidence laid before them, from which the Committee had reason to believe that corrupt practices prevailed at the said election.

4thly. That the petition was not frivolous or vexatious.

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

BERWICK UPON TWEED ELECTION PETITION;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

(1864.)

Ordered, by The House of Commons, *to be Printed,*
15 *March* 1864.

[*Price* 8 *d.*]

127.

Under 12 *oz.*

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

LISBURN ELECTION PETITION;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND INDEX.

(1864.)

Ordered, by The House of Commons, *to be Printed,*
18 *April* 1864.

Mercurii, 9° *die Martii*, 1864.

NAMES of the Members of the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the Borough of Lisburn:

William Edward Forster, Esq.	Henry Paull, Esq.
Frederick North, Esq. (Hastings).	William Stirling, Esq.

HUGH EDWARD ADAIR Esq., Chairman.

Jovis, 10° *die Martii*, 1864.

Ordered, THAT the Petitions and Lists relative to the said Election be referred to the Committee.

Ordered, THAT the Committee do meet To-morrow, in one of the Committee Rooms of the House, at half-past Eleven of the clock.

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PROCEEDINGS OF THE COMMITTEE.

Veneris, 11° *die Martii*, 1864.

NAMES of the Members called over:—All present.

Room cleared:—Committee deliberated, and agreed to the following Resolutions:—

1. That Counsel will not be allowed to go into matters not referred to in their opening statement, without a special application to the Committee for permission so to do.

2. That if costs be demanded by either party, under the 11 & 12 Vict. c. 98, the question must be raised immediately after the decision on that particular case, unless the Committee shall otherwise decide.

3. That the Committee expect that with respect to cases of bribery, or offers or promises of money, or other valuable consideration, which it is intended to bring home to the sitting Member, or his agents, the Counsel for the petitioners will now state the names of the electors bribed, or to whom such offers were so made, and those of the persons who actually gave the bribes, or offered so to do.

4. The Committee, however, reserve to themselves a power, upon the special application of Counsel, to proceed with any case which tends to inculpate any principal or agent, the knowledge of which case has been brought out before the Committee in the progress of the investigation, with the circumstances of which the parties could not be reasonably supposed to have been previously cognisant.

5. That with respect to treating, the Committee will expect Counsel to state the times and places where such treating is alleged to have taken place.

6. That with respect to undue influence, the Committee will require to be furnished with a list of the persons who are alleged to have been subjected to such undue influence, and also with a list of those who are alleged to have exercised it.

7. The Committee, however, reserve to themselves a discretionary power as in cases of bribery.

8. That no person shall be examined as a witness who shall have been in the rooms during any of the proceedings (with the exception of the agents whose names shall be handed in) without the special leave of the Committee.

9. That the Committee will only allow one Counsel to address them on opening the case, and one Counsel on the summing up.

10. That if any point of law should arise requiring argument, the Committee reserve to themselves the power of hearing only one Counsel on each side.

11. That the Committee will follow the practice of the courts of law with regard to speeches, as laid down in section 18 of the Common Law Procedure Act, 1854.

12. That if the leading Counsel are not prepared to sum up the case on either side when the evidence is terminated, the Committee will not protract the proceedings for the convenience of Counsel who may be absent.

Parties called in, and informed of the decisions of the Committee.

The Petitions of Jonathan Joseph Richardson and of Messrs. Russell Kennedy and Bryson Pelan, complaining of an undue Election and Return for the Borough of Lisburn, were read.

Counsel for the Petitioners:—Mr. *Phinn*, Q. C., Mr. *Rodwell*, Q. C., and Mr. *Clerk*.

Agents:—Messrs. *Wyatt and Metcalfe* and Mr. *Thomas Wilson*.

Counsel for the sitting Member:—Mr. *O'Malley*, Q. C., Mr. *Cooke*, Q. C., and Hon. *R. Bourke*.

Agents:—Messrs. *Baxter, Rose & Co.*, and Mr. *Barlow* (of Dublin).

Mr. *Phinn* applied for leave to be given for the petitioner and sitting Member, who were to be examined as witnesses, to remain in the room.

The *Chairman* stated that the Committee would raise no objection.

Mr. *Phinn* was heard to open a case of bribery and treating.

The Short-hand Writer was sworn by the Chairman.

Mr. *James Richard Naylor* sworn, and produced Return of the Election for borough of Lisburn, dated June 1863.

Mr. *Ralph Smith Cusack* sworn, and produced four Poll-books for the borough of Lisburn, dated 20th February and 24th June 1863.

Messrs. *Wyatt & Co.* handed in list of voters objected to.

Mr. *John Backas* sworn, and examined by Mr. Rodwell.

Mr. *O'Malley* was heard to object to Mr. Rodwell's asking questions relative to the Election in February 1863, unless Writ and Return of such Election were produced.

Mr. *Rodwell* stated that they should be produced.

Mr. *John Backas* further examined by Mr. Rodwell.

Mr. *Edward Johnston* produced a letter written to him by witness; letter read.

Mr. *John Backas* further examined by Mr. Rodwell.

Mr. *Beatty* called in, and asked to produce any letter from Mr. John Backas.

Mr. *Beatty* stated that he had none.

Mr. *Rodwell* put in letter from Mr. Beatty.

Mr. *O'Malley* was heard to object to such letter being put in, on ground that bribery must be proved before agency.

Mr. *Rodwell* was heard in support of his application to put in the letter, on ground that Mr. Beattie's name was entered in the lists handed in.

The Committee decided that the letter might be put in.

Mr. *O'Malley* objected, on ground that the witness could not prove the handwriting.

Mr. *Robert Kennedy* called in to prove handwriting; sworn, and examined.

Letter, dated 3d March 1863, put in, and read.

Mr. *John Backas* further examined by Mr. Rodwell.

Mr. *James Richard Naylor*, previously sworn, put in Writ and Return of the Lisburn Election, dated 23d February.

Mr. *John Backas* cross-examined by Mr. O'Malley; re-examined by Mr. Clerk; examined by the Committee.

Edward Backas sworn, and examined by Mr. Clerk; cross-examined by Mr. O'Malley; re-examined by Mr. Clerk; examined by the Committee.

[Adjourned till 11 o'clock To-morrow.

Sabbati, 12° *die Martii*, 1864.

Names of Members called over:—All present.

Mr. *Cooke*, Q. C., was heard to make a statement to the Committee with reference to a witness alleged to have been compulsorily detained.

Mr. *Phinn*, on behalf of Petitioners, called.

Mr. *Henry Haig Bottomley* sworn, and examined by Mr. Phinn; produced vouchers and bills of both candidates at the June Election, also the nomination paper of Mr. Richardson; cross-examined by Mr. Cooke; examined by the Committee.

Edward Johnston sworn, and examined by Mr. Phinn; cross-examined by Mr. Cooke; re-examined by Mr. Rodwell; examined by the Committee.

Joseph Balmer sworn, and examined by Mr. Rodwell; cross-examined by Mr. Cooke; examined by the Committee.

Eliza Balmer sworn, and examined by Mr. Rodwell.

Mr.

Mr. *Cooke* was heard to object to the questions asked by Mr. Rodwell.

The Witness withdrew.

Mr. *Rodwell* was heard to support the line of questioning that he was pursuing, on the ground that the Witness was apparently hostile.

Mr. *Cooke* was heard in reply, and stated that the Witness was his (Mr. Rodwell's) own witness, and not avowedly a hostile one.

The *Chairman* stated, that the Committee were of opinion that the question should be withdrawn.

Question erased from the notes.

Eliza Balmer further examined by Mr. *Rodwell*; cross-examined by Mr. Cooke.

Alexander Downey sworn, and examined by Mr. Clerk; cross-examined by Mr. Cooke; re-examined by Mr. Clerk.

[Adjourned till Eleven o'clock on Monday next.

Lunæ, 14° *die Martii*, 1864.

Names of Members called over:—All present.

Mr. *Clerk*, on behalf of Petitioner, called.

George Stephenson sworn, and examined by Mr. Clerk; produced Mr. Verner's accounts for the February Election.

Esther Miller sworn, and examined by Mr. Clerk; cross-examined by Mr. O'Malley; re-examined by Mr. Clerk; examined by the Committee.

Margaret Miller examined by Mr. Clerk; cross-examined by Mr. O'Malley; examined by the Committee.

John Orr sworn.

The Committee desired that Esther Miller might be recalled.

The Witness withdrew.

Esther Miller further examined by the Committee.

John Orr recalled, and examined by Mr. Clerk; cross-examined by Mr. Cooke; re-examined by Mr. Clerk; examined by the Committee.

Agnes Orr sworn, and examined by Mr. Clerk; cross-examined by Mr. O'Malley; re-examined by Mr. Clerk; examined by the Committee.

Arthur Gamble sworn, and examined by Mr. Rodwell.

The examination of this Witness was not concluded when the Committee adjourned, until 11 o'clock to-morrow.

Martis, 15° *die Martii*, 1864.

Names of the Members called over:—All present.

For the Petitioners, Mr. *Rodwell* recalled.

Arthur Gamble, previously sworn; examined by Mr. Rodwell.

Mr. *O'Malley* was heard to object to the question, "What made you hesitate so long in giving your answer?"

Mr. *Rodwell* was heard to support his question.

The Committee decided that the question should be put by the Committee.

Arthur Gamble further examined by Mr. Rodwell; cross-examined by Mr. O'Malley; re-examined by Mr. Rodwell; examined by the Committee.

Catherine Gamble sworn, and examined by Mr. Rodwell.

Mr. *Cooke* was heard to object to the question, "Have you made a statement of the evidence you were going to give here?"

Mr. *Rodwell* was heard in support of his question, stating that it was one that was distinctly allowed by the Common Law Procedure Act, 1854, sec. 22.

Mr. *Cooke* was heard in reply.

Room cleared. Committee deliberated.

The Committee decided that the question could not be put.

Parties called in, and informed thereof.

Catherine Gamble further examined by Mr. Rodwell; cross-examined by Mr. Cooke; re-examined by Mr. Rodwell.

Mary Jane Turtle sworn, and examined by Mr. Clerk; cross-examined by Mr. Cooke.

James Allen sworn, and examined by Mr. Rodwell.

The Chairman stated that he was desired by the Committee to caution this witness to answer the questions put to him at once, and truly and straightforwardly, or they might be obliged to take immediate measures to compel him to do so.

James Allen further examined by Mr. Rodwell.

[Adjourned till Eleven To-morrow.

Mercurii, 16° *die Martii*, 1864.

Names of Members called over:—All present.

James Allen previously sworn, examined by Mr. Rodwell; cross-examined by Mr. Cooke; re-examined by Mr. Rodwell; examined by the Committee.

Jonathan Richardson, of Glenmore, made affirmation; examined by Mr. Clerk.

Printed circular, dated 12th February 1863, put in, and read.

Jonathan Richardson further examined by Mr. Clerk.

A letter, signed J. Richardson, put in, and read.

Jonathan Richardson further examined by Mr. Clerk.

Mr. *O'Malley* was heard to object to the question, "Do you know now of voters having been at Stephenson's"?

The Witness withdrew.

Mr. *Clerk* was heard in support of his right to ask the question.

Mr. *O'Malley* was heard in reply.

The Committee decided that the question could not be put. Question accordingly struck out.

Jonathan Richardson further examined by Mr. Clerk; cross-examined by Mr. O'Malley; re-examined by Mr. Clerk; examined by the Committee.

Alexander Richardson, of Lanbeg, sworn and examined by Mr. Rodwell.

Mr. *Cooke* was heard to object to evidence being given with reference to the contents of a paper which was not produced, and for the production of which no notice had been given.

Mr. *Rodwell* was heard in support of his question.

Mr. *O'Malley* was heard in reply.

The Committee decided that such evidence could not be given.

Alexander Richardson further examined by Mr. Rodwell; cross-examined by Mr. Cooke; examined by the Committee.

William Johnson sworn, and examined by Mr. Clerk; examined by the Committee.

Manuscript copy of printed circular previously handed in, put in and read.

Also, manuscript notice signed "David Beatty," sent to witness to print, put in and read.

Cromlin Irwin sworn, and examined by Mr. Clerk.

Order for refreshment, and account for same, put in and read.

Cromlin Irwin further examined by Mr. Clerk; examined by the Committee.

David M'Night sworn, and examined by Mr. Clerk.

List of creditors of witness put in.

David M'Night further examined by Mr. Clerk; cross-examined by Mr. O'Malley; examined by the Committee.

William Stewart sworn, and examined by Mr. Rodwell; cross-examined by Mr. Cooke; examined by the Committee.

[Adjourned till Eleven o'clock To-morrow.

Jovis, 17° *die Martii*, 1864.

Names of Members called over:—All present.

Mr. *Clerk* was heard to apply to the Committee that measures might be taken to compel Alexander M'Cann to attend the Committee.

The Chairman stated that he had received a letter, signed, "T. T. Hughes, M.D.," stating that Alexander M'Cann was prevented from attending by severe illness.

Mr. *Clerk* stated that he had been seen yesterday, and called

Robert Stubbs, sworn and examined by Mr. Clerk.

Form of notice to attend served upon Alexander M'Cann put in.

The Chairman issued an order for his immediate attendance.

Mr. *Clerk*, in support of the petition, called

Elizabeth Stewart, sworn and examined by Mr. Clerk; cross-examined by Mr. O'Malley; re-examined by Mr. Clerk.

William Joseph Henry sworn, and examined by Mr. Clerk.

Mr. *O'Malley* was heard to object to a statement being put in with reference to the evidence of the last witness, and

Mr. *Clerk* was heard to submit to the Committee the necessity of such evidence.

Mr. *O'Malley* was heard in reply.

Room cleared. Committee deliberated.

Motion made, and question

"That the statement proposed to be put in be received" (Mr. *North*)—put. The Committee divided:—

Ayes, 1.	Noes, 4.
Mr. Frederick North.	Mr. W. E. Forster.
	Mr. H. Paull.
	Mr. W. Sterling.
	Mr. H. E. Adair.

Parties called in, and informed of the decision of the Committee.

Alexander Goudy sworn, and examined by Mr. Clerk; cross-examined by Mr. O'Malley; examined by the Committee.

Robert Kennedy sworn, and examined by Mr. Clerk.

Mr. *O'Malley* was heard to object to the evidence given by this witness, on the ground that it was given to contradict the evidence given by a former witness.

Mr. *Clerk* was heard in support of the evidence.

Mr. *O'Malley* was heard in reply.

Room cleared. The Committee deliberated.

Motion made, and question, "That the evidence be proceeded with," put, and agreed to.

Parties called in, and informed thereof.

Robert Kennedy further examined by Mr. Clerk.

Mr. *O'Malley* was heard to object to the evidence respecting Renny Boomer, on the ground that the alleged statement of Jefferson respecting it formed no part of the *res gestæ*.

Mr. *Clerk* was heard in support of the admission of the evidence.

Mr. *O'Malley* was heard in reply.

The Chairman stated that the Committee would take time to consider the objection.

[Adjourned till To-morrow, at Eleven o'clock.

Veneris, 18° *die Martii*, 1864.

Names of Members called over:—All present.

The room was cleared. The Committee deliberated.

The Chairman stated that it was the opinion of the Committee that the Petitioners should be allowed to proceed with the evidence respecting Renny Boomer.

Robert Kennedy recalled, and examined by Mr. Clerk; cross-examined by Mr. Cooke; examined by the Committee.

Jonathan Joseph Richardson made affirmation.

Examined by Mr. Clerk; cross-examined by Mr. Cooke; re-examined by Mr. Clerk; examined by the Committee.

Mr. *Clerk* produced a telegram from a witness named Mr. M'Quirck, who had been summoned, stating that he had missed the train at Chester, and would come by next train. The telegram was dated March 16, and the witness had not yet appeared.

Jane Lennon sworn, and examined by Mr. Clerk; cross-examined by Mr. O'Malley.

Margaret Lennon sworn, and examined by Mr. Clerk; cross-examined by Mr. O'Malley.

Thomas Stephenson.

William Tumblety.

Robert M'Ilwee.

John M'Neilly.

James Watson.

Samuel Weir.

William Redpath.

George Ingram.

These witnesses were called respectively, having been served with notices to produce books of account kept by them between the months of January and February 1863, and all letters, memoranda, orders, papers, and writings in any way relating to the election for the Borough of Lisburn, held in the month of February 1863, and to the election for the said Borough held in the month of June 1863.

The witnesses stated that they had none to produce.

George Morley sworn, and examined by Mr. Clerk; cross-examined by Mr. O'Malley; re-examined by Mr. Clerk.

Elizabeth M'Ilwee, having been served with a notice to produce books of account and papers in any way relating to the election in February, stated that she had none to produce.

James Crawford sworn, and examined by Mr. Clerk.

The examination of the witness was not concluded when the Committee adjourned, till 11 o'clock to-morrow.

Sabbati, 19° *die Martii*, 1864.

Names of Members called over:—All present.

James M'Gourk sworn, and examined by Mr. Clerk.

This closed the case for the Petitioner.

Mr. *O'Malley* was heard to address the Committee on behalf of the Sitting Member, and called

Edward Wingfield Verner, Esq., sworn, and examined by Mr. Cooke; cross-examined by Mr. Clerk; re-examined by Mr. Cooke; examined by the Committee.

William George Bradley sworn, and examined by Mr. Bourke.

Letter signed R. Mayne, M. D., put in, and read, and handwriting proved by witness.

James M'Neilly sworn, and examined by Mr. Bourke; cross-examined by Mr. Clerk; re-examined by Mr. Cooke.

[Adjourned till Eleven o'clock on Monday.

Lunæ, 21° *die Martii*, 1864.

Names of Members called over:—All present.

Mr. *Clerk* stated that it was not the intention of the Petitioner to proceed with the scrutiny, but that the cases of bribery would close the proceedings.

Lucas Waring sworn, and examined by Mr. Cooke (produced some of Mr. Verner's accounts for the February election); cross-examined by Mr. Clerk; re-examined by Mr. Cooke; examined by the Committee.

Elizabeth M'Ilwee sworn, and examined by Mr. Bourke; cross-examined by Mr. Clerk; re-examined by Mr. Cooke; examined by the Committee.

Robert M'Ilwee sworn, and examined by Mr. Cooke; cross-examined by Mr. Clerk; examined by the Committee.

John Golding sworn, and examined by Mr. Bourke; cross-examined by Mr. Clerk; re-examined by Mr. Cooke; examined by the Committee.

George Ingram sworn, and examined by Mr. Cooke; cross-examined by Mr. Clerk; re-examined by Mr. Cooke; examined by the Committee.

This closed the case for the Sitting Member.

Mr. *Cooke* was heard to sum up the case for the Sitting Member.

[Adjourned till Eleven o'clock To-morrow.

Martis, 22° *die Martii*, 1864.

Names of Members called over.

PRESENT:

Mr. Hugh Adair.	Mr. W. E. Forster.
Mr. H. Paull.	Mr. F. North.

Mr. *George Harrison*, M. D., having been sworn, stated that Mr. Stirling was unable, on account of illness, to attend the Committee.

Ordered, To report absence of Mr. Stirling, and the cause of such absence, to the House at its first meeting after the Recess.

[Adjourned till Eleven o'clock on Tuesday, 5th April.

Martis, 5° *die Aprilis*, 1864.

Names of Members called over.

PRESENT:

Mr. W. E. Forster.	Mr. H. Paull.
Mr. F. North.	Mr. H. E. Adair (Chairman).

The Chairman stated that the Committee met simply for a further adjournment, in consequence of the absence of Mr. Stirling, whose absence on Tuesday, March 22d, had not yet been excused by the House. After waiting for one hour,

Mr. *Clerk* claimed to be heard, on the ground that Mr. Stirling had been excused.

The Chairman stated that the excuse had not been allowed by the House, but that the debate had been adjourned.

Ordered, To report further adjournment.

[Adjourned till Eleven o'clock To-morrow.

Mercurii, 6° *die Aprilis*, 1864.

Names of Members called over.

PRESENT:

Mr. W. E. Forster.	Mr. H. Paull.
Mr. F. North.	Mr. H. E. Adair.

Order of the House that Mr. Stirling be excused for his absence from this Committee, read.

Mr. *Phinn* applied to the Committee for leave to be heard upon the power of the Committee to proceed.

Mr. *Spofforth*, as agent for the Sitting Member, was heard to protest against the further proceeding of the Committee, on the ground that the adjournment of the Committee from Tuesday, March 22d, till Tuesday, April 5th, being the day after that on which the House met, was an illegal adjournment, and that consequently the powers of the Committee had lapsed.

The Chairman stated that they would hear Mr. Phinn upon the legality of the adjournment, and upon the power of the Committee further to proceed.

Mr. *Phinn* applied to the Committee to waive No. 9 of the Resolutions passed by the Committee on the day of its first meeting.

Leave was given by the Committee to be addressed by Mr. Clerk also.

Mr. *Phinn* was heard to address the Committee.

Mr. *Clerk* was heard to address the Committee.

Room cleared. Committee deliberated, and determined to inform the House,

"That the Select Committee appointed to try and determine the merits of the petitions complaining of an undue election and return for the Borough of Lisburn, having met this morning, pursuant to adjournment, a protest was entered on behalf of the Sitting Member against the competence of the Committee to proceed with the case. Whereupon the Committee, having heard counsel for the Petitioners, considered the circumstances of the adjournment of the Committee made from the 22d day of March last until Tuesday the 5th day of April, being the day after that to which the House had been adjourned, and came to the conclusion that they are no longer legally empowered, as a Committee, to proceed further in the matter of the said petition."

Parties called in, and informed

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Veneris, 11° *die Martii*, 1864.

MEMBERS PRESENT:

Mr. W. E. Forster.
Mr. F. North.
Mr. H. Paull.
Mr. W. Stirling.

HUGH EDWARD ADAIR, Esq., in the Chair.

The Names of the Members were called over:—All present.

The Petition of Jonathan Joseph Richardson, complaining of an undue return at the last election for the borough of Lisburn was read.

Mr. *Phinn*, Q.C., Mr. *Rodwell*, Q.C., and Mr. *Clerk*, appeared as Counsel for the Petitioner.

Messrs. *Wyatt & Metcalfe* appeared as Agents.

Mr. *O'Malley*, Q.C., Mr. *Cooke*, Q.C., and Mr. *Robert Bourke*, appeared as Counsel for the sitting Member.

Messrs. *Baxter, Rose, & Co.*, appeared as Agents.

The Committee room was cleared.

After a short time the Counsel and parties were called in and informed by the Chairman that the Committee had agreed to the first eight resolutions which were usually agreed to, and also to Resolutions 9, 10, 11, and 12.

Mr. *Phinn* was heard to open the case on the part of the Petitioner.

Mr. James Richard Naylor, was called in; and, having been sworn, was Examined by Mr. *Rodwell*, as follows:

Mr. *J. R. Naylor.*

11 March 1864.

1. You are a clerk in the Crown Office?—Yes.

2. Do you produce the return of the election in Lisburn in 1863?—Yes (*the Witness handed the same to the Committee*).

3. *Chairman.*] Which election in 1863 is it?—The June election.

4. Mr. *Rodwell.*] Have you the other return as well?—No.

5. By the *Committee.*] What is the date of your return?—26th June 1863.

6. Mr. *O'Malley.*] The writ and return?—Yes. The writ is dated prior to that, of course.

[The Witness withdrew.

Mr. Ralph Smith Cusack, was called in; and having been sworn, was Examined by Mr. *Rodwell*, as follows:

Mr. *R. S. Cusack.*

7. You are the Clerk of the Crown in the Hanaper Office in Ireland?—I am.

8. Do you produce the poll books for the election for the borough of Lisburn, held in June 1863?—Yes, and February too (*the Witness handed the same to the Committee*).

9. Mr. *O'Malley.*] Will you allow me to look at the poll book you produce for February?—(*It is handed to Mr. O'Malley.*)

Mr. JOHN MARTIN BACKAS, was called in; and, having been sworn, was Examined by Mr. *Rodwell*, as follows:

Mr. J. M. Backas.

11 March 1864.

10. Is your name John Martin Backas?—Yes.

11. Where are you living?—Nine, Butcher's-street.

12. Where?—Londonderry.

13. What is your business?—Umbrella-maker.

14. In 1863 were you a voter for the borough of Lisburn?—I was.

Mr. *O'Malley* objected to any question being asked with regard to the February election, as there was no proof of the writ and return.

Mr. *Rodwell* stated there would be no difficulty in proving the writ and return; and that it would be produced by Mr. *Naylor*.

15. Mr. *Rodwell*.] At all events we will assume for the moment there was an election in February 1863. For whom did you vote at that election?—Mr. Verner.

16. In June I believe you voted for Richardson?—Yes.

17. Do you know a cabinet-maker at Lisburn by the name of Edward Johnston?—I do.

18. Have you known him long?—About two years, I suppose.

19. Do you recollect his coming to you at Londonderry?—I do.

20. How long was that before the February election?—About 10 days.

21. What is Johnston?—A cabinet-maker.

22. Does he carry on a large or a small business, or is he a journeyman, or keeping a shop?—He carried on business on his own hand in February.

23. Does he now, do you know?—I do not know; I have not been in Lisburn since June.

24. Was he an intimate friend of yours?—He has called backwards and forwards.

25. When he came to you at Londonderry did he ask you for your vote?—He did.

26. To vote for whom?—Verner.

27. Where did he find you? At your house?—Yes; 15, Linenhall-street.

28. *Chairman*.] You were not living in the same house then as now?—No.

29. By the *Committee*.] How old are you?—I am 20 past. I was 20 last October.

30. Mr. *Rodwell*.] You have been on the register two years. He was on the register; he might have been objected to. He was not objected to. When Johnston asked for your vote, what did he say to you?—He asked me for my vote, and I told him I was not prepared to go; I wanted an outfit.

31. You mean clothes?—Yes.

32. What did he say to that?—He told me I could get that.

33. Anything else besides the outfit did you suggest that you wanted?—Yes; there was a bargain made that I was to get some money.

34. Do not say a bargain was made, but say what passed between Johnston and yourself about this what you call bargain. What passed between you?—I was to get 30 *l.* for my vote.

35. That was not arrived at at once. What was said about your voting, and about what you were to have. At first you told me you wanted an outfit; what did he say to that? He said you should have one?—Yes.

36. Now about the money; what was said?—Then I got the clothes.

37. No. Let us go to the money, if you please?—He offered me about 20 *l.* at first, and I told him I would not take less than 30 *l.*

38. What did he offer you the 20 *l.* for?—For my vote.

39. Before he mentioned 20 *l.* was anything said or done by him with respect to a smaller amount? Did he use any action?—I do not think he did.

40. Well, but try and recollect. How long was he with you?—He was with me about half an hour.

41. Did he talk to you about anything else besides your vote?—He told me that they were getting on very well for Mr. Verner, and it would be better for me to be on the winning side.

42. Was the principal part of the conversation during this half hour with reference to your voting?—Yes.

43. Now, will you tell us something that took place during the conversation? You have told us about the clothes, now then about the money?—I do not remember altogether any more that passed.

44. Let us have a little of it; never mind the whole. Let us have some of it. You have told us something about the 20 *l.* Who mentioned the 20 *l.* first?—Johnston put up his hand that way (*describing same*).

45. Did he put up one hand, or both hands first?—He put up both.

46. Did he say anything at the time?—He said, "I will give you that" (*holding up ten fingers*).

47. What did you say to that?—I told him I would not take less than 30 *l.*

48. What did he say then?—He said he could not give it. I said I would not take less.

49. Did he leave you, then, after that?—After that we had our breakfast.

50. Where?—In my own house.

51. Did he breakfast with you?—He did.

52. At breakfast did you have a little more talk about this voting?—We had.

53. What was it? Tell the Committee.—He was relating where I would have to stop when I got to Belfast. He told me if I would go to Belfast with him he would keep me in a hotel, and I would have nothing to do there but walk about till the time the voting would come on.

54. You would have nothing to do but to walk about; well, go on?—Then I consented to go with him.

55. Now, come back to the clothes; did you get any clothes?—I did.

56. Where?—From Macarthy's.

57. Who is he—a tailor at Londonderry?—Yes.

58. What quantity of clothes did you get?—A coat and trousers, and vest, and hat.

59. Did you pay for them?—He paid for them.

60. Who? Johnston?—Yes.

61. Mr. *O'Malley*.] Did you see him pay for them?—He gave the money to my brother.

62. Did you see him give the money?—I did not.

63. Mr.

63. Mr. *Rodwell.*] You did not see him give the money?—I did not.

64. I understood you to say that he had said that you should have a suit of clothes?—Yes.

65. And you had a suit of clothes, and you did not pay for them?—No.

66. Who was with you when you went to the shop to select these things?—No person but myself.

67. You went alone?—Yes.

68. Did you have any other clothes besides what you have described. Had you shoes or boots?—I had shoes.

69. Where did you get them?—Across the street, in M'Laggan's.

70. Do you know who paid for them? Did you see the money passed?—My brother paid for them.

71. You did not see your brother pay for them?—I did not.

72. You did not pay for them yourself?—No.

73. Who told you to go to these two shops; the tailor's and the shoemaker's?—Johnston.

74. *Chairman.*] When he told you to go to these shops, did he say anything to you except, "Just go to those shops"?—He told me to go to any place I wanted, and he would pay for them.

75. You were to go to any place?—He did not mention the name of the party particularly.

76. And he would pay for them?—Yes.

77. Mr. *Rodwell.*] Did he then, or at any time, give you any money?—He did not give me any money, not before I left Derry.

78. Then I will not go to that at present. When you got these new clothes did you go anywhere?—I went to Belfast.

79. The same day?—Yes.

80. With whom did you go?—Johnston.

81. How?—By the train.

82. How did you go to the train?—I walked it.

83. Did you have a car at any time to go from the station when you got to Belfast?—Yes; I had a car from Belfast station.

84. Who paid for your ticket?—Johnston.

85. Who paid for your car?—Johnston.

86. When you got to Belfast, where did you go to?—To Redpath's.

87. Had you ever been there before?—I had not.

88. When you got there did you remain there?—I did.

89. How long?—Eight days.

90. Did you afterwards go to any other place at Belfast?—An hotel.

91. Was that Watson's hotel?—Yes.

92. How came you to go there?—By the car.

93. But who told you to go there?—All the parties that were in Redpath's went.

94. Who were those parties; give us the names of what you call the parties?—There was Edward Johnston, Sandy Mackenzie, Andy Johnston.

95. *Chairman.*] Who else? No one except Johnston and Mackenzie?—Yes, but I do not remember the names.

96. Mr. *Rodwell.*] How many were there?—Fifteen.

97. I think you can mention one or two more names than those you have given. Was William Singleton there?—He was.

98. John Golden?—Yes.

99. John Goomer?—Yes.

100. Did you know those men before?—Some of them I did, and some of them I did not.

101. Those names you have mentioned, did you know them?—I did.

102. Were they Lisburn men?—Yes.

103. Do you know whether they were voters or not?—Yes, they were all voters.

104. Mr. *O'Malley.*] Did you see them vote?—I did not, but I know they had votes.

105. Mr. *Rodwell.*] Do you say the party all went together to Watson's hotel?—Yes.

106. Where is Watson's hotel?—Opposite the railway.

107. How long did you stop at Watson's hotel?—We went there about four or five in the morning, and stayed till the train was going away.

108. The train to Lisburn?—Yes.

109. Did you all go together?—We did.

110. Who was with you besides those men you have mentioned when you went to Lisburn?—The rest of the voters that were in Belfast.

111. Who paid for your ticket? Did you pay yourself?—I did not.

112. Whilst you were at Belfast, did you live pretty well?—We did.

113. Did you order your own dinner and refreshments?—No.

114. How were they supplied, then?—We were all supplied at one table.

115. How many meals a-day did you have while you were there? Did you breakfast together?—We did.

116. At a particular hour?—We had our breakfast, dinner, and tea, and sometimes supper.

117. Before breakfast, some of you had something, did you not? A little wet; a little whiskey?—Yes.

118. Then there was some refreshment on the table pretty well all day?—Yes.

119. You helped yourselves when you liked?—Yes.

120. And ordered what you liked. Who regulated the quantity you took of the whiskey?—Johnston did generally.

121. Which Johnston?—Edward Johnston.

—122. Was he with you there all the time?—He was.

123. You did no work, I suppose, during the time you were there?—No.

124. Well, now, then; you went back to Lisburn?—Yes.

125. Did you have any money at any time from Johnston?—I had 5 *l.* in Lisburn.

126. During the time that you were at Belfast, did you endeavour to go out of the room where you were, or did you tell Johnston you would not stop any longer, or anything of that sort?—I did not.

127. Did you try to go away?—No; I did not.

128. Did any of the party?—There was one there wanted out.

129. Who was that?—I do not remember his name.

130. What happened to him when he tried to get out?—He was put in a room.

131. What sort of a room?—In his own room.

132. Was he locked up?—Well, I am not sure. He was kept there.

133. How do you mean, kept there?—He was not allowed out.

134. Mr. *O'Malley.*] Were you in the room?—The next room to it.

135. Mr. *Rodwell.*] Do you know he was in that room?—I do.

136. You say kept in, how do you mean kept in?

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in?—He was put in there, and remained there. He would not be allowed out.

137. Who would not allow him out?—The voters.

138. My friend wishes to know his name. Was it Mackenzie?—No.

139. Do you know what his name was?—I think it was Golding.

140. This was one of the 15 you have spoken of?—Yes.

141. When you got back to Lisburn, where did you go to?—To Johnston's.

142. Did you go directly to vote?—I did. I went to the tally room after coming off the train. Then, after I gave my vote, I went to Johnston's.

143. What do you mean by the tally room? Explain that to the Committee?—Where we remained till we gave our votes.

144. Is that where the voters went before they voted?—Yes.

145. Who did you see in the tally room?—I saw the parties there that I was staying with at Belfast.

146. What did you go to the tally room for?—To remain there till I gave my vote.

Mr. *O'Malley* objected to the question as being a leading question.

The *Chairman* stated that the Committee were of opinion that leading questions were not admissible.

Mr. *Rodwell* was heard in support of the question.

Mr. *O'Malley* was heard in reply.

Mr. *Rodwell* said that, in order to avoid delay, he would take the Chairman's suggestion, and not put leading questions.

147. Will you be good enough to tell me, when you got to the tally room, who was in the tally room?—I saw Sandy Mackenzie and Stewart.

148. Who else did you see? Did you speak to any one when you got in there?—I did.

149. *Chairman.*] You were going on to say who you saw there. You said you saw Mackenzie and Stewart. Did you see any one else whom you knew?—I did.

150. Tell the Committee who they were?—I saw Singleton, and all the rest of the voters. I saw a great many voters there.

151. Can you give any other names besides Mackenzie, Stewart, and Singleton?—I saw John Boomer.

152. Mr. *Rodwell.*] Those names you have given are the names of the persons who were with you at Belfast?—Yes. Stewart was not with me at Belfast.

153. In addition to the persons whom you have mentioned, did you see any one who did not come from Belfast with you?—I could not say.

154. Who did go with you from Belfast besides those whose names you have mentioned?—I could not mention the names.

155. *Chairman.*] Did all the people who came with you in the train from Belfast go with you to the tally room?—Yes.

156. All?—Yes.

157. None went anywhere else. They all went to the tally room?—Yes.

158. Mr. *Rodwell.*] Did you all go together?—Yes.

159. Did you afterwards go out to the poll to vote?—Yes.

160. Did you go up alone, or with any others?—There were others went with me.

161. Who?—I do not know the names.

162. Were they the same people that went to the tally room with you, or others?—I could not say.

163. How did you go up. You say you went up with those people. Was there a crowd with you, or did you go up two or three together?—There were two or three went together.

164. Was there any one who came to the tally room and went back with you to the poll?—I think Mr. Graham came.

165. Is that William Graham?—I think so.

166. What is he? What is his business?—I think he keeps a brewery.

167. *Chairman.*] Where?—In Lisburn.

168. Mr. *Rodwell.*] For whom did you vote?—For Verner.

169. When you went back to Lisburn, where did you stay?—In Johnstons.

170. Edward Johnston?—Yes.

171. Before you voted, had you seen Johnston?—I was with him in the tally room

172. Had any conversation taken place between you and Johnston in the tally room about your vote?—I do not know.

173. Now, try and think?—I do not remember.

174. Any conversation with Johnston from the time of your leaving Belfast to that of going up to vote?—I do not think there was.

175. Had you any conversation with him after voting?—I had.

176. The same day?—Yes.

177. How soon after voting?—I could not say.

178. About?—I stopped in his place that night.

179. After you had voted, where did you go to?—I went to Mackenzie's.

180. Did you say you stopped at Johnston's that night?—Yes.

181. How soon after voting did you see Johnston?—I could not say.

182. Was it in the afternoon or after dinner, or what time in the day?—I could not say; I saw him in the afternoon.

183. Where?—At his own house.

184. Did anything then pass between you and him with reference to your vote?—I do not remember.

185. At any time is there anything that passed between you and him with reference to your vote, which you do remember?—I spoke to him about getting the money he had promised.

186. Just tell the Committee when you had this conversation with Johnston, and what that conversation was?—I could not say the words.

187. Well, the effect, then?—It was to the effect of getting the money.

188. Did you get the money?—I got 5 *l.*

189. From whom?—From Johnston.

190. When?—Three or four days after the election.

191. Before you got the 5 *l.* from Johnston, what had passed between you and Johnston with reference to that 5 *l.*?—He had been speaking to other parties about getting the money.

192. No, I must not have what he said to other

other parties; but what did you say to him?—I could not say what I said to him.

193. You must have said something. Had he ever given you 5*l.* before in your life?—He had not.

194. Now just tell us what you said to him, and what he said to you?—When he gave me the 5*l.* he told me he got it from the party for me.

195. I said, before he gave you the 5*l.*, what took place between you and him. Did you ask him for it?—I did.

196. What did you say when you asked him?—I could not say.

197. What did you ask him for the 5*l.* for?—For my vote.

198. What did you say to him then. You may as well tell it now. We must have it some time or another?—I could not altogether say the words I said.

199. I am not asking for the precise words; it is more than a year ago. I want something like what you said?—I spoke to him about getting the money.

200. What language did you use. In what words did you convey your wish?—I could not say that.

201-2. You must be able to say. You say you asked him for some money?—Yes.

203. Now will you tell us in what words. Did you ask him more than once?—I told him to get it as soon as he could for me.

204. To get what?—To get the money.

205. What money?—The money he had promised me for the vote.

206. Did you say that to him more than once?—I did.

207. What answer did he give to you the first time, or at any time?—He told me he would get is as soon as he could.

208. When did you get it?—About three or four days after the election.

209. When he gave you that 5*l.* did he make any observation at the time?—He told me he would get the rest as soon as he could, that that was all he could get at that time. Mr. *J. M. Backas.* 11 March 1864.

210. When you say "the rest," what did he allude to?—The other part of the 30*l.*

211. *Chairman.*] That was what you understood when he said he would get "the rest" for you?—Yes.

212. Mr. *Rodwell.*] After you got this 5*l.* did you make any application for the rest of your money?—After I left Lisburn.

213. After you left Johnston, before you left Lisburn and went back to Derry, after having got the 5*l.*, did you ask Johnston for the rest again?—The day I left for Derry I did not see Johnston.

214. But before you left for Derry, after receiving the 5*l.*, did you ask Johnston again for the rest of the money?—I told him to send it to me as soon as he could.

215. What did he say to that?—He said he would.

216. Then you went back to Derry?—Yes.

217. After you had got back to Derry, did you write to Johnston?—I did.

Mr. *Rodwell* stated that he proposed to call Johnston, who had been served with a subpœna *duces tecum* to produce a letter.

218. You say you wrote a letter to Johnston after you got back to Derry?—I did.

219. By the *Committee.*] How soon did you return to Londonderry?—It was a fortnight from the day I left Derry till I got home.

220. How long did you stay in Lisburn after the election?—The election took place on Saturday and I think not till Friday.

221. Were you at Johnston's house that time?—I was.

Mr. Edward Johnston, called in.

222. Mr. *Rodwell.*] You have been called upon to produce a certain letter addressed by Mr. John Backas, of Londonderry, to you, on the subject of the election at the borough of Lisburn, in the month of February: have you got that letter?—I have got a letter from John Backas—(*The Witness handed the letter to Mr. Clerk.*) Mr. *E. Johnston.*

Mr. John Martin Backas; Examination resumed.

223. Mr. *Rodwell.*] Look at that letter (*handing it to Witness*). Is that the letter you referred to?—Yes, it is. Mr. *J. M. Backas.*

[*The letter was handed in, and was as follows:*—]

"Derry, 11 April 1863.

"Mr. Johnston, dear sir,

"I expected a few lines from you ere this, and an order for something handsome as regards cash; you are perfectly aware of your promises to me. I am confident it will be fulfilled. You are not aware how I am circumstancest; 14 days absent from home, customers dissopointed, time sacrassfied and wors than all, when farnest in Derry, no Edward in the house, the best part of the things gone; I had to search from six till nine; I could here nothing of him. But he came in at half-past nine, but he could render no account of anything; the ware gone, that was all he could say. I have been very ill I may say since I got a cold going to Belfast with my hed wet; the day of polling I got a wetting. I had a severe attack of rheumatics fever. I am a little better this day. I am mearly able to scrawl this out; both arms and legs was rendered useless."

224. *Chairman.*] You were suffering from an attack of rheumatic fever?—I was.

225. Mr. *Rodwell.* Who was the Edward mentioned in that letter?—My brother.

226. Did you receive an answer to that letter (*handing a letter to the Witness*)?—I could not say whether the letter here now is an answer to that or not.

227. Did you receive that letter from Johnston?—I did.

228. Can you tell the Committee when you received this letter. How soon after you had written?—I think it was about a fortnight.

229. Now, you may take that letter in your hand, and I will read it; see if I read it right:

Mr. *J. M. Backas.*

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[*The letter was put in, and read as follows:*]

"Mr. John Backas, sir, I would have answered your letter sooner, only I expected to be with you before this time; I expect to be in Derry soon; I was sorry to hear of your being unwell and ill-off; if I had any cash to spare I would send you some, but is not convenient at present to do so. You mention the landlord wants rent; I am willing to bail you in rent to the sum of 5*l.*, or 6*l.*, if that would be of any use for the present, until I see you in Derry in a short time.

"Yours, &c.,
"*Edward Johnston*, Lisburn."

230. *Chairman.*] Was that the whole of the letter that you wrote?—I do not know; I could not say; I wrote two or three letters, I think.

231. Mr. *Rodwell.*] I propose to ask for some other letters that Johnston has received from Backas.

Mr. Edward Johnston, recalled.

Mr. *E. Johnston.*

232. Mr. *Rodwell.*] Do you produce any other letters from Mr. Backas?—I have got no others.

Mr. John Martin Backas; Examination resumed.

Mr. *J. M. Backas.*

233. Mr. *Rodwell.*] Just look at the person behind you; is that the man you have been speaking of as Edward Johnston?—It is.

234. Did you write to anybody else besides Johnston at this time?—Mr. Beatty.

235. What Mr. Beatty is that?—David Beatty.

236. Where does he live?—In Bow-street.

237. Where?—Lisburn.

This Witness was not sworn.

Mr. David Beatty was called in; and Examined by Mr. *Rodwell.*

Mr. *D. Beatty.*

238. Do you produce a letter written by Mr. Backas to you?—I do not, for I have it not.

Mr. John Martin Backas; Examination resumed.

Mr. *J. M. Backas.*

239. Mr. *Rodwell.*] Now, there is a letter to Mr. Beatty not forthcoming, did you receive a letter from Mr. Beatty?—I did.

Mr. *O'Malley* objected to the letter from Mr. Beatty being read.

Mr. *Rodwell* was heard in support of it.

Mr. *O'Malley* was heard in reply.

The *Chairman* stated that the Committee were of opinion that the letter might be read.

240. Mr. *O'Malley.*] Do you know Mr. Beatty's handwriting?—I do not.

241. Mr. *O'Malley.*] Then the letter cannot be read yet.

242. Mr. *Rodwell.*] I will call a witness who will prove it.

243. Mr. *O'Malley.*] Do you know Johnston's handwriting?—I do.

244. Did you ever see him write?—I did.

Mr. Robert Kennedy called in; and having been Sworn, was Examined by Mr. *Rodwell*, as follows:

Mr. *R. Kennedy.*

245. Do you know that handwriting?—I do.

246. Whose is it?—Mr. David Beatty's.

247. Mr. Beatty, of Lisburn?—Yes.

[*The Letter was then put in, and read, as follows:*]

"Lisburn, 2 March 1863.

"John M. Backas, Sir,

"I have received yours of the 28th, and in reply, I am not cognizant of the moneymatter to which you refer; or, indeed, to any other connected with the late affair, but I did hear that you had been handed 5*l.* by somebody, and if I can be of service to you when the accounts are being settled, and that it comes into my hands, I will forward it to a gentleman I know in Derry, Mr. McVicker, for your safety.

Remaining yours truly,
(signed) *David Beatty.*

Mr. John Martin Backas; Examination resumed.

Mr. *J. M. Backas.*

248. Have you a little boy, a brother, living with you?—I have.

249. What is his Christian name?—Edward.

250. Do you remember seeing him receive any money from anybody?—I did not see him receive it.

251. We have been talking up to this time of the first election, the February election; do you recollect the June election?—I do.

252. Where were you living at that time?—In Linenhall-street.

253. Where?—Londonderry.

254. Did you see any one there with reference to your vote upon that occasion?—I did.

255. Who was that?—Edward Johnston.

256. Where did you see him?—In my place.

257. Had you any conversation with him with reference to his vote at the June election?—I had.

258. Tell us what you said to him or he to you.—He wanted me to go down to Lisburn with

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with him. He told me he had gone down to get me to vote for Mr. Verner—to get my vote.

259. What did you say to him. What was your answer?—I told him that I would not go with him, that he did not pay me for the last; and he told me that all would be settled afterwards. He told me that I would be settled for all after the election would be over.

260. Go on, and tell us all.—Then he told me that it could not be paid on account of the petition put against Mr. Barbour; that it would be settled afterwards.

261. How long was he with you?—Part of an evening.

262. Did you talk more about this going to vote at Lisburn?—I did.

263. Tell us something more that passed between you and him. Did anything pass the next day?—There did.

264. What was that?—He was wanting me to go down. He would pay my expenses. And I told him that I would not go.

265. What did you say to him?—Then he told me to come down to Lisburn any way, and he would keep me a week or a fortnight; and when I was there I could do as I pleased; he would not force me. But he did not like to go to Lisburn without me.

266. Did you go to Lisburn with him?—I did not.

267. Was anything said about money at that time beyond this which you have told us about your going there for nothing?—When I told him that I would not go he asked me could I not get the loan of the money from some person. I told him that I could not; and he asked me would the man next door not lend me 2 *l.* or 3 *l.* I told him that he would not. He told me that I should ask him, and he thought he would. He told me to ask for 2 *l.*, and I could pay it again. I told him I had asked him the loan of a shilling a couple of days ago, and he would not give it, and he would not give me 3 *l.* He told me to go in and have a half of punch, and ask him.

268. Did you ask him?—I did not.

269. *Chairman.*] You did not ask your next door neighbour?—No; the man that kept the public-house went out and told me that I should ask. I told him that I would not. Then he asked me would he ask for me. I told him if he asked I would leave the room.

270. Mr. *Rodwell.*] If who would ask?—If Edward Johnston would ask the man next door to lend me the money, I would leave the house.

271. What is his name?—Hart Kerr. He pressed me to allow him. I told him that he might do so, and he called in Hart Kerr, and he asked him would he lend me the loan of 3 *l.*? Hart Kerr said he had paid a bill a few days before, and did not know whether he had any money in the house.

272. *Chairman.*] Were you present, and did you hear him ask?—Yes.

273. You did not leave the house, as you had offered to do?—No; then he asked Hart Kerr for the loan of the money, and Hart Kerr said he did not know whether he had it in the house or not, but he would see; and if he had it in the house he would get it. He went down, and brought down 3 *l.*

274. Who did?—Hart Kerr, and gave it to me, and I took it. I went into the house, and I consulted with another person, and he told me to give it back to him. I went in with it, and he told me to keep it. I told him that I would not. He said if I could make anything by the election well and good; if I could not, he would not ask me to pay it; but to keep it and to do my best. He would never sue me for it if I did not get the money. I took it in, and sent it by my brother, and told him that I would not keep it.

275. Mr *Rodwell.*] You did not take it?—I did not; I sent it back to him.

276. Who did you go to Lisburn with after all?—I went at my own expense.

277. Where did you go to when you got to Lisburn?—I went to Belfast, to a person of the name of John Kennedy.

278. We are talking of the June election?—Yes.

279. *Chairman.*] You first of all went from Lisburn?—From Derry. I did not go in the train with Johnston. There was a cheap excursion to Belfast on the Saturday or Monday. I went in the train at my own expense down to Belfast, and I remained in Belfast with a person of the name of Kennedy. I served my time with him.

280. By the *Committee.*] How soon was this after seeing Johnston?—It was about two or three days.

281. *Chairman.*] At that time, in June, when you left your own home, you went to Belfast in an excursion train, and stayed at Belfast with a man with whom you had served your time as an apprentice?—Yes.

282. Mr. *Rodwell.*] Did you go afterwards to the Lisburn election?—I did.

283. Where did you go to there?—Mr. Kennedy and I, on the evening before the election, went up to Lisburn, and we stayed at an hotel.

284-5. How came you to go to that hotel?—Mr. Kennedy and I went to it.

Mr. *Rodwell* stated that he proposed to call Mr. Naylor to produce the return of February.

Mr. James Richard Naylor called in.

Mr. *J. R. Naylor.*

286. Mr. *Rodwell.*] Do you produce the writ and return of the election of February?—Yes (*hands the same to the Committee*).

287. Mr. *O'Malley.*] Where is that return that was first put in?—This is it (*hands the same to Mr. O'Malley*).

288. By the *Committee.*] What was the date of that election?—The date of the writ is the 12th of February, and the date of the return is the 23d of February.

289. Mr. *O'Malley.*] There is a writ and return in both cases?—Yes.

Mr. JOHN MARTIN BACKAS; Cross-examined by Mr. *O'Malley*.

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290. At the last election, who did you vote for?—Richardson.

291. How long were you in Belfast upon this occasion?—About a week or 10 days.

292. Before the last election?—Yes.

293. How came you to go to Belfast?—I came down for the election.

294. But that is not the way to the election?—I came down to stop with Mr. Kennedy.

295. But why did you go to Mr. Kennedy's for 10 days?—He was a friend.

296. And he was a supporter of Mr. Richardson's, was he not?—No; I do not think it.

297. Do you mean to tell this Committee you do not think that he was a supporter of Mr. Richardson's?—Mr. Kennedy was not a voter.

298. Do you mean to say that you do not think that he was a supporter of Mr. Richardson's?—I could not say that.

299. Did not he go with you to the tally?—He did.

300. He took you to Mr. Richardson's tally?—No, to the hotel.

301. Did not he take you to the tally-room?—I only went with him to the hotel.

302. Did not he take you to the tally-room?—He did not.

303. *Chairman.*] Did Mr. Kennedy take you to the tally-room from the hotel?—No.

304. Mr. *O'Malley.*] Who paid your expenses at the hotel?—Mr. Kennedy.

305. How long were you there?—I was there about 10 days before the election.

306. At the hotel?—No, at Mr. Kennedy's.

307. But who paid your expenses at the hotel?—Mr. Kennedy.

308. What hotel was that?—I do not know the name of the party.

309. You know where the hotel was, though?—It was where Mr. Barbour's tally-room was, and Mr. Richardson's.

310. Had Mr. Richardson and Mr. Barbour the same tally-room?—I think so.

311. *Chairman.*] Was the tally-room in the hotel itself?—Yes.

312. Mr. *O'Malley.*] Then Mr. Kennedy did take you to the hotel where the tally-room was?—Yes.

313. And Mr. Kennedy was in and out of that tally-room?—He was coming down to Lisburn to his class, and I went down with him in the train; I paid my own expenses from Belfast to Lisburn.

314. Did you not say this moment that Mr. Kennedy paid your expenses there?—He paid my expenses at the hotel.

315. Did you not tell me that he paid your expenses upon going there?—I did not.

316. You did not pay your own expenses?—I paid my expenses from Belfast to Lisburn in the train.

317. Who paid your expenses from Londonderry to Belfast?—I paid my expenses.

318. You cannot tell us the name of the hotel you were at?—I cannot mention the man's name.

319. How long do you say you stayed at that hotel?—I went there the evening before the polling.

320. Had the hotel any sign to it?—Any sign of what?

321. Was it called Half Moon, or had it any sign of that sort?—He supplies funerals. I know the man's name only I forget it.

322. Do you know the name of the man who kept the hotel?—I do; but I don't recollect it now.

323. By the *Committee.*] Had the hotel any name?—Yes.

324. You do not know it?—I do not.

325. It was not the Hertford Arms, was it?—No.

326. Mr. *O'Malley.*] Did you see Mr. Kennedy go into the tally-room?—I could not say.

327. You see you had your memory very clear for my friend here. You know Lisburn very well, do you not?—I do.

328. Did you not see Mr. Kennedy go in and out of that tally-room?—I saw him in it once.

329. Was that when you went up?—That was before I was going to give my vote.

330. How long before you went to give your vote was that?—Perhaps about an hour or half an hour.

331. What brought you in that tally-room half an hour before you gave your vote?—I went to see what time the voters were going out, and to get a car.

332. And who did you get the information from?—I was downstairs.

333. Who gave you the information?—I did not go in for any information.

334. You told us that you went in to know when the voters were going out. Is that so?—Yes.

335. Very well; that is information. Who told you when the voters were going out?—I could not say.

336. Did not Mr. Kennedy know when the voters were going out?—I could not say.

337. Were there other voters with you at the hotel?—There were.

338. A good many?—A few.

339. I suppose that you got eating and drinking there?—I got my breakfast there.

340. And you got something when you went home at night?—I got my tea.

341. And you got your dinner?—No, I did not.

342. Did you not get something after you voted?—No.

343. No refreshments?—I got a bottle of lemonade.

344. Did you go back to Londonderry?—I went back to Belfast.

345. Do you mean to say that you went back to Belfast on an empty stomach?—I went on my breakfast.

346. What time did you go back after your breakfast?—I went at 11 o'clock.

347. How came you to go to Mr. Kennedy's?—Because he was a friend.

348. Were you in the habit of waiting at Mr. Kennedy's?—Yes.

349. When were you there before that time?—I have been there repeatedly.

350. Tell me when you stayed with him before that time; did you ever stay with him 10 days before?—I was taking portraits for him during the time I was stopping.

351. Photographic portraits?—Yes.

352. But you did not go there to take photographic portraits?—I came down when the cheap trip

trip was coming from Derry; I thought that I might as well be working for him as knocking about.

353. You had a trade of your own at Londonderry?—Yes; but I had a party to look after it.

354. You put in a letter here, in which you represent how distressing it was to be absent from your business; you were away 10 days, and you went to assist Mr. Kennedy?—Yes.

355. Now, do you mean to tell these gentlemen that you went to Belfast to assist Mr. Kennedy?—I did not go expressly to take portraits for him.

356. Tell us what you went for?—I came down from Londonderry to give my vote at the time appointed on the day of polling; I stayed with Mr. Kennedy until such time as the polling day would come on.

357. I want to know the reason why you stayed 10 days on the journey from Londonderry to Lisburn. You know perfectly well?—I know nothing I stopped for. I stopped there to give my vote.

358. But you did not give your vote at Belfast?—Because the election was in Lisburn.

359. But you did not stop at Belfast because the election was at Lisburn. Where was the occasion to stop 10 days?—I had no occasion for it at all, only liberty of conscience.

360. You were afraid that the people would come and tempt you at Londonderry?—No; I was not.

361. What was the liberty of conscience, then?—The liberty of conscience that a man can do as he pleases with his own time.

362. *Chairman.*] Freedom of action rather?—Yes.

363. Mr. *O'Malley.*] You were exercising your liberty of conscience in dealing with your time as you pleased. You were not afraid of being tempted at Londonderry?—Not the least.

364. It was not to get out of temptation's way?—No.

365. It was merely to exercise that liberty of conscience which is your privilege, and going where you liked. You mean to say that?—I do.

366. How long before had you seen Mr. Kennedy?—Before what?

367. Before you went to exercise your liberty of conscience at Belfast?—About six years before that.

368. You had not seen him for six years before that?—Yes, I had seen him in February.

369. When you were in Belfast before?—Yes.

370. Before February when had you seen him?—Not till about 12 months before that.

371. What is the six years then?—I went to serve my time with him for six years.

372. I did not ask you a word about serving your time. I asked you when you had seen him before, and you said not for six years. What did you mean by that?—You asked me how long before that I had seen him.

373. Yes; and you said that you had not seen him for six years. What did you mean by that?—I thought you meant how long was I acquainted with him.

374. You mean on your oath to say that?—Yes.

375. How long have you been acquainted with him?—Since 1856.

376. Have you not been acquainted with him a great deal longer than that?—No.

377. Not more than since 1856?—No.

378. Did you ever see him from 1856 till the time when you went to Belfast in February?—I did.

379. When?—In the November before the election.

380. You told us a few minutes ago that it was 12 months before February?—You are speaking of the June election.

381. No. I said before the February election. Do you understand my question?—No; I can't altogether say that I do.

382. What I asked you is this. I asked you a short time ago how long before the February election you had seen Mr. Kennedy, and you told me 12 months. What did you mean by that?—I did not mean anything, I must have made a mistake.

383. Did you get any letter from Mr. Kennedy, any invitation?—Yes; he told me that I might come down there and stop.

384. When was that?—About a fortnight.

Mr. *Clerk.*] We must have the letter.

385–6. Mr. *O'Malley.*] Have you got the letter?—I have not.

387. What have you done with the letter?—I burnt it at the time.

388. Now, tell us what was in it?—I could not tell you what was in it.

389. It was a fortnight before telling you that you might come down?—Yes, and stop there till the election was over.

390. Was there anything about 20*l.*?—There was not.

391. Nor a cheque?—No.

392. Will you swear there was not?—I will.

393. Did you never say that there was?—I never said that Mr. Kennedy had promised a cheque.

394. I do not ask you whether Mr. Kennedy had promised a cheque. Did you not say that Mr. Kennedy had a cheque of 10*l.* for you?—I did not.

395. That you swear?—Yes.

396. Do you know George Ingram?—I do.

397. Will you swear that you did not tell George Ingram that Kennedy had a cheque for 20*l.* for you, and that was the reason you did not vote for Mr. Verner?—I will. I never said anything about that.

398. What did you tell him?—I do not mind speaking to Ingram at all about a cheque for 20*l.*

399. Did you speak to him about any cheque?—I spoke to him about Mr. Verner's cheque, which Mr. Verner promised me.

400. When was this?—This was before the June election. I saw him in Belfast.

401. What did you say to him about Mr. Verner's cheque?—I told him that I had not got the money that I was promised.

402. But that is not a cheque, you know. What did you say about the cheque?—I did not speak to him about any cheque.

403. Did you speak to him about money or cheque from Kennedy, or Kennedy's having money or a cheque?—I told him at the first election that Kennedy was staying at Belfast after I had left with Johnston. Kennedy was coming down to Londonderry for me at the February election, about two or three days after I had left for the February election.

404. And that he had money for you?—I could not swear that he had money.

405. Did you tell Ingram that he had money?—Kennedy told me that he could have got me money.

406. From whom?—Mr. Barbour.

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407. Then did Kennedy tell you that if you would vote for Mr. Barbour he could get you money?—He did.

408. Do you mean to say that he did not tell you that if you voted for Richardson he would get you money?—He did not.

409. That you swear?—I will.

410. Did you not tell George Ingram that at the June election Kennedy had a cheque for 20 *l.* for you, and that was the reason that you did not vote for Mr. Verner?—I did not.

411. Nor before?—Nor before.

412. Did you say anything to him about any money from Kennedy?—I did not. I told him that I could have got some money before I went from Londonderry to vote for Verner, and he told me that the money I was promised by Johnston would be all right after the June election.

413. Did you not tell him that Kennedy had money for you at the June election?—I did not.

414. Kennedy never gave you any money?—No.

415. Nor promised you any?—No.

416. Who did?—No one.

417. Do you mean to tell us that you voted at the June election without money or without a promise of money?—I did.

418. That you swear?—Yes.

419. When did you come from Londonderry?—Last Wednesday.

420. Who did you come with?—I came from Londonderry to Belfast by myself.

421. And from Belfast?—From Belfast here I came with Mr. Barbour's party; Mr. Richardson.

422. The same party?—Yes.

423. Who did you come with; Kennedy?—No.

424. Did not Kennedy come?—He did not.

425. Now I am coming to the February election. First of all, who was Johnston?—Johnston is a cabinet-maker.

426. Where does he live?—He formerly lived in Castle-street, Lisburn.

427. Where was he living at that time?—At that time he was living in Castle-street, Lisburn.

428. You say that he promised you a suit of clothes?—Yes.

429. Did you ask for travelling expenses, or did you ask for a bribe?—I told him that I wanted money for my vote. He told me that I might as well vote, and he would be a friend to me.

430. Do you mean to say that he promised you 30 *l.* at once?—No, he did not.

431. Before he left that day?—Yes, before he left.

432. How long before the election was that?—That was about nine or ten days.

433. Did you get any money for your vote at the February election?—I had 5 *l.*, and a suit of clothes, and the boy got ten shillings.

434. By the *Committee.*] What boy?—My brother.

435. Mr. *O'Malley.*] Did you see that the boy got ten shillings?—I could not swear that.

436. Do you mean to say that you believe you saw him get ten shillings?—I cannot say whether I saw him or not.

437. Did you not tell my learned friend that you did not see the boy get anything? which is true?

438. *Chairman.*] I understood him to say that he did not see the boy get the money from Johnston to pay for the clothes.

439. Mr. *O'Malley.*] This is later. Was 5 *l.* all you got?—And a suit of clothes.

440. That is all you got for your vote?—Yes.

441. What did you get for the second vote?—I got a bottle of lemonade.

442. Do you know George Thompson?—I do.

443. A shoemaker at Lisburn?—I do.

444. Were you indebted to him at that time?—I was.

445. Perhaps you were only indebted to him for a day or an hour; or were you indebted to him for several months?—I was indebted to him for several months.

446. Mr. *Clerk.*] The question is whether my learned friend is speaking of February or June.

447. *Chairman.*] Were you at the time of the February election indebted to George Thompson?—I was.

448. Mr. *O'Malley.*] Did you continue in his debt till the August following?—I did.

449. Do you remember meeting him in Londonderry?—I do.

450. And his asking you to pay him the debt which you owed to him?—Yes.

451. *Chairman.*] When was that?—In August after the last election..

452. Mr. *O'Malley.*] What did you say to him?—He asked me was I willing to pay him the 5 *s.* I was indebted to him.

453. Do you mean to say that is all you were indebted to him?—Yes.

454. Did you pay him?—I did not.

455. What did he say to you, when you told him that you could not pay him; did he say anything to you about money you had got at the elections?—I told him that I was not able to pay him at that time.

456. Did you say this to him, that you never got money for either of the elections?—I did not; he said, surely I was able to pay him after the election; that was the June election. I told him that I got nothing for the June election.

457. Was the month of June mentioned?—He did not mention it, to my knowledge.

458. Then, he did not say, that you got money at the June election; did you not say to him, that you never got any money from either election?—I did not.

459. There was something said about the elections?—There was.

460. You told us that you had seen Johnston write; when did you ever see Johnston write?—I saw him write several times, at his own house.

461. When?—I could not altogether say.

462. You can tell me about?—I saw him write repeatedly.

463. When?—I could not say the day.

464. The more frequently you saw him write, the more easy it is to fix the time?—I could not say.

465. Can you tell me what you saw him write?—I could not.

466. You could not tell me either what you saw him write, or when you saw him write?—No.

467. And, not knowing what you saw him write, nor when you saw him write, you can swear to his handwriting?—I can.

Re-examined by Mr. *Clerk*.

468. What is Mr. Kennedy to whom you have been referring?—He is Precentor of the Presbyterian meeting house.

469. Does he carry on any business?—He carries on the photographic business.

470. Had you served your apprenticeship with him as a photographer?—Yes, and umbrella maker.

471. Both trades?—Yes.

472. There are two or three Kennedys at Belfast, what are the initials of this Mr. Kennedy?—John Carlyle Kennedy.

473. How long were you with him as an apprentice?—Five years.

474. Were does J. C. Kennedy live?—He has a place in High-street, Belfast.

475. Is he a voter for Lisburn?—He is not.

476. Now you say you saw George Ingram in the street?—Yes.

477. About when was that?—That was before the general election.

478. Could you say about how long before?—I could not.

479. I did not quite catch what you said about Johnston, and about what he had promised you?—I told him I had not got what Johnston had promised me, and he told me it would be made all right after the election, but to stick to what I had done from the first; to give my vote to Mr. Verner.

480. Who asked you to give your vote to Mr. Verner?—George Ingram at that time.

481. Did you tell him you had not got your money from Johnston?—I did.

482. What did Ingram say to that?—He said it would be all settled afterwards.

483. Is that George Ingram a publican at Belfast?—I could not say, I never was in his place of business.

484. Is he a Belfast man?—I could not say that.

485. Is he a Lisburn man?—I could not say that.

486. Do you recollect what it was that Thompson, the shoemaker, said to you, as near as you can recollect, when he asked you when you could pay him the 5 *s.*?—I told him I went down to Lisburn at my own expense, and I had not money to spare at that time.

487. What did he say upon that?—He was going to knock me down.

488. I hope he did not do that?—He did not.

489. What did he say then?—He told me he would remain with me, and walk about the town with me until he got it. He was not going to leave me without it.

490. Without the 5 *s.*?—Yes.

491. What was the election he referred to when he was talking to you about the money?—I could not say.

492. At all events you told him you had got no money at the last election?—Yes.

493. *Chairman.*] I understood you to say that Thompson said to you, "you surely can pay me after the June election"?—No, I could not say that he stated either the June or the February election.

494. I understood you to say it was the June election?—No.

495. Mr. *Clerk.*] The witness qualified that afterwards by saying "I do not know that he mentioned June"?—He said "after the election."

496. What did you say to that?—I told him I had got no money for my last vote, I went down at my own expense and was not able to pay him at that time.

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497. What is the fare from Derry to Lisburn?—7 *s.* 6 *d.* third-class from Derry to Belfast.

498. And how much from Belfast to Lisburn?—I could not say, I never travelled that way.

499. By the *Committee.*] If you had no money to pay Mr. Thompson his 5 *s.*, how do you contrive to get to Belfast at your own expense?—This was in August that I met Mr. Thompson at Derry, and the election was in June.

500. *Chairman.*] I understand you to have stated that Hart Kerr, your neighbour, offered you 3 *l.*, and told you you might keep the money. Was that so?—Yes; and if I was able to pay him I might pay him, and if I was not he would never sue me for it.

501. You have also stated that you did not keep the money which he offered you?—I returned it afterwards. I returned it by the boy to Hart Kerr afterwards.

502. What do you mean by "afterwards"?—I had it in my possession for about an hour and a half.

503. Where did you get the money with which you went to Lisburn at your own expense?—I got it from my friends. It was about 2 *l.* The money was due to me on the 3d of May from a friend. I got it, and I kept it. I was going to pay my rent, and I went on to Belfast with it.

504. You went with that money by the excursion train to Belfast, and with the same money in Mr. Kennedy's company from Belfast to Lisburn for the general election. Is that so?—Yes.

505. You say that you saw Mr. Kennedy when you were in Belfast in February. Was that at the time you were staying at Watson's house, and at the other house?—No; I saw him when I was in Redpath's one morning when he was passing by. He was wanting me, and I called out of Redpath's window for him to come over.

506. What made you call out of the window, why did you not go out through the door into the street and stop him?—I would not be allowed.

507. Who prevented you?—There were two or three parties on the door.

508. Who were they?—Edward Johnson went down and told Mr. Kennedy I was not there. I cannot say only from Mr. Kennedy, and Mr. Kennedy told me that he asked for me, was I there, and Mr. Johnson told him I was in another place. I was going downstairs to speak to Mr. Kennedy, but I was brought back and put in a room.

509. Did you have any conversation with Mr. Kennedy?—I did not, not before the election. I would not be allowed to have it.

510. What prevented your speaking to Mr. Kennedy out of the window if you were unable to go to him in the street?—There was some person pulled me down when I called Mr. Kennedy. I was sitting on the sofa, and they pulled me down. I was going downstairs, and some party told me to go into the room.

511. Who was that?—I could not altogether say.

512. Was it anyone whom you were in the habit of seeing, or some one that you had never seen before?—It was some of the voters.

513. Who were in the house with you?—Yes.

514. Did you know whether they were Londonderry men or Lisburn men, or who they were?—I could

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I could not say but they had been from Lisburn.

515. From Lisburn to Belfast?—Yes.

516. By the *Committee.*] Do you mean to say that during the eight days at Watson's hotel you were not allowed to go out at all?—Not Watson's, Redpath's.

517. How did they keep you in?—I never forced my way, but I would have liked to have seen Mr. Kennedy, but they told me there was no parties allowed out. When I left Londonderry, Mr. Johnson told me he would fetch me to an hotel and keep me; and I had nothing to do but walk about till I gave my vote. The door was locked.

518. Then you did not walk about?—No.

519. For eight whole days were you and fourteen other men kept in this room?—Yes, in this house.

520. Did none of you attempt to get out?—One man's finger was very sore and he got leave to go to the doctor's; but parties would not have been allowed to walk out. There were two or three of us asked to get out.

521. Did none of you resist this attempt to control you?—No, we did not altogether resist. We would have liked to have got out.

522. None of you made any effort to do so?—No, we did not.

523. Now as to this man who was put in his room and not allowed to go out, the one who wanted to get out, how did they contrive to keep him in; did they lock him in?—They did.

524. *Chairman.*] How do you know that?—He was saying he would not give his vote for Verner.

525. But that does not prove that he was taken into a room?—He kicked a hole in the door to get out.

526. By the *Committee.*] Did he get out?—He did not.

527. When was he let out?—In the morning.

528. No food given him?—He had got his supper before that. It was at night.

529. *Chairman.*] Then all you know of this man's confinement in his room arose from what you heard him doing, you being in the next room. Is that so; did you see the door locked?—I did.

530. Did you see him try to kick the door open and get out?—I did not see him try to do it, but I saw the piece knocked out of the door with the kick.

531. By the *Committee.*] You say he was let out in the morning. What morning was that?—He was locked in the room at night.

532. What morning was he let out?—He was let out of his room in the morning.

533. You did not go out from the time you got there till you went off to Watson's?—Two or three of us got to the door one night, but the parties were along with us that were keeping the place.

534. When you got to the door what did you find there?—I did not want to go away.

535. Did you find anybody at the door?—There was no person at the door.

536. You did not go out at all. Did any of the voters go out?—They did not.

537. Then who had the charge of you all this time?—There were three.

538. Who were they?—I could not say who they were. Two of them I think from Lisburn.

539. Mr. *Cooke.*] Perhaps, sir, you would be kind enough to ask him the name of the friend who gave him the money to go from Londonderry to Belfast?—It is a relative in Dublin.

540. *Chairman.*] You said some of your friends; were they relatives of yours?—Yes.

541. Where were they resident?—In Dublin. They knew nothing about the election whatever.

542. They sent you some money?—Yes.

543. Had you written to them for this money?—I had; it was due on the 3d of May to me, and I did not write for about a fortnight after it was due.

544. And then you received it?—I received it the latter end of May.

545. It was with this money you first of all went by the train to Belfast, stayed with Mr. Kennedy and went down at your own expense to Lisburn where Mr. Kennedy paid your expenses at the hotel?—Yes.

546. And in the same room in which you were was Mr. Richardson's tally-room?—Yes.

547. By the *Committee.*] How much money did you get?—From whom?

548. From those friends of yours in Dublin?—£. 2.

549. That morning that you went from Redpath's to Watson's did that man who was locked in go with you?—He did.

550. *Chairman.*] Was it the following morning after he had been locked in?—I could not say what morning.

551. By the *Committee.*] He went with you?—He did.

552. Did he make any effort to get away?—I could not say.

553. Who went with you?—There were several parties; we went in covered cars.

554. Did any of you try to get away at that time?—I think not.

555. Who were the friends that owed you 2 *l.*; give me their names?—George Jepps.

556. Of Dublin?—Yes.

557. The other?—That is all.

558. You said "friends"?—This is a private thing amongst friends; I do not think it has anything to do with this matter.

559. You said friends were indebted to you about 2 *l.*; who were the friends?—It is for my brother's fee.

560. Who were the friends?—George Jepps.

561. That is one, who was the other?—I have no other friend.

562. Then was it "friends" or "friend" you meant to say?—"Friend."

563. How did he become indebted to you in that 2 *l.*?—I had 10 *l.*, a fee for my brother.

564. *Chairman.*] You mean you had an apprentice fee for your brother?—My brother is apprenticed to me.

565. And the fee you received with him was 10 *l.*?—Yes, paid yearly, at 2 *l.* a year.

566. And this was the yearly payment of the apprentice fee?—Yes.

567. By the *Committee.*] What relation is George Jepps to you?—No relation; only paying me the money.

568 *Chairman.*] Does he act as the agent of any of your family to pay the fee?—Yes, he acts as agent.

569. To which of your family?—To my brother.

570. He pays the fee for your brother, but who instructs him to pay the fee to you?—I cannot tell, I only write to him.

571. By

571. By the *Committee.*] What is George Jepps?—A clerk.

572. In what?—In the Protestant Orphan Society.

573. You say he is no relative of yours, and you do not know who instructs him to pay you these yearly payments for your brother's apprenticeship?—No; but I do not consider that has anything to do with this.

574. Are your father and mother alive?—They are not.

575. Did your brother get anything from the Orphan Society?—He did.

576. *Chairman.*] And it is paid through their clerk, who is Jepps?—Yes.

577. By the *Committee.*] Do you live alone at Derry with your brother?—Yes.

578. Do you keep an open shop?—I do.

579. *Chairman.*] Have you been in the habit of writing letters to Mr. Johnston from time to time?—Not until after the election.

580. How many letters after the February election did you write to Mr. Johnston?—Perhaps two or three.

581. And how many answers did you receive from him?—I received an answer for every letter, I think.

582. Was this one of the letters you wrote to him (*hands a letter to the Witness*)?—Yes.

583. Was this the whole of that letter?—I could not say that.

584. But you can tell me if that is a whole sheet of paper or half a sheet of paper?—I suppose there was more, because my name is not here.

585. Was this the first, second, or third letter that you had written to Mr. Johnston subsequent to the election?—I could not say that.

586. This is dated in the middle of April, and the election took place in the middle of February; did you write any letter between the middle of February and the middle of April?—I think I wrote one before that.

587. This was the second letter, and is not the whole of it?—No, I do not think it is the whole of it. I cannot swear to that.

588. What made you write a second letter; did you have an answer to your first letter?—I got two or three letters from him.

589. But they were all answers to letters you wrote to him?—I think he answered every letter I wrote.

590. Why did you continue to write letters to Mr. Johnston?—Because he had not stood to his promise.

591. What promise was that?—The promise of the money.

592. What money?—He told me if it would not be paid to me, he was responsible; he said, "If you require my oath, I give you my oath that if the money is not paid to you by Mr. Verner's committee, I will pay it myself."

593. What amount of money did you suppose he referred to when he said that?—He was to get me 30 *l.*, and after that he was to work on commission for himself, and I was to give him part of it.

594. He was to get you 30 *l.*, and if he could get you more he was to receive a commission from you?—Yes.

595. And of that money you only received 5 *l.*?—Yes.

596. Mr. *Clerk.*] There is one question; how long were you in Lisburn on the morning of the June election?—I went up to Lisburn about twenty minutes past four, or by the five o'clock train.

597. *Chairman.*] That is in the morning?—In the evening.

598. The evening previously?—The evening before the election I went away by 11 o'clock the next day.

599. You stated that you had two meals and a pot of lemonade?—Yes.

600. You had your tea, your breakfast the following morning, and a pot of lemonade; did you pay for that lemonade yourself?—I did not.

601. Mr. Kennedy paid for that as well as for your breakfast and tea?—No; Mr. Findlay gave me the lemonade.

602. Who is Mr. Findlay?—A person in Lisburn.

603. Was he a friend of yours. How came he to do it?—After I had come over from the poll he asked me, would I take a share in half of whiskey or a bottle of lemonade.

604. Where was that?—That was in the hotel.

605. But in which room of the hotel?—I think it was in the shop.

606. It was in a whiskey shop that formed part of the hotel?—Yes.

607. And you took the lemonade from him?—I did.

608. Did you offer to pay him?—I did not.

609-10. Why did you not?—Because he had asked me to take it.

611. Before he asked you, did he say anything about your vote; whom you had voted for?—No; I had voted then.

612. But did he ask you whom you had voted for?—No; he knew who I had voted for.

613. By the *Committee.*] Can you tell us how it happened, that being so determined to get 30 *l.* for your vote in February, that you came to the decision that you would not ask for anything or receive anything in June?—From Johnston?

614. No, from anybody. When Johnston put up his hands and said, "I will give you that," you said, "I will not take less than 30 *l.*"?—That is not after the June election.

615. No; February. How was it that after being so determined in February to get 30 *l.*, that in June you decided on asking for nothing and getting nothing?—Johnston told me what money I would be paid; that what money was promised would be paid. Moses Bullick told me the same, and Mrs. Nokes; and when I would not vote for them they said they could do without me; I said I would give an independent vote to Mr. Richardson.

616. Do I understand you aright that you refused money from both parties for the June election?—No; I was not speaking to any parties on the June election, only on Mr. Verner's, Barbour had not spoken to me.

Mr. *O'Malley.*] Would you ask him, sir, where this George Jepps lives. I understand there are several Protestant Orphan Associations.

617-8. *Chairman.*] Where is the Orphan Asylum through which you receive this money?—At 17, Sackville-street.

E. Backas.

11 March 1864.

EDWIN BACKAS, was called in; and, having been sworn, was Examined by Mr. *Clerk*, as follows:

619. ARE you a brother to John Backas?—Yes, sir.

620. In February last year were you living with your brother at Derry?—That is the time of the election?

621. Yes?—Yes.

622. *Chairman.*] In February?—Yes.

623. There were two elections last year?—I was in Derry at both of the two elections.

624. Mr. *Clerk.*] Do you recollect the February election in Lisburn?—Is that the first?

625. Yes?—Yes.

626. Do you recollect anybody coming to Derry to see your brother?—Yes.

627. Who was that?—William Johnston.

628. *Chairman.*] What was his christian name?—I do not know whether it was William or not.

629. By the *Committee.*] Did you say William?—Yes.

630. *Chairman.*] What made you say William if you were not sure of it?—I thought it was William.

631. You thought so?—Yes, I think his name was William.

632. You are not quite sure?—No.

633. Mr. *Clerk.*] Have you seen that person in the gallery here to-day?—No.

634. Should you know him again if you saw him?—Yes.

[A person was brought in from the corridor and placed among others at the side of the counsel's table.]

635. Look around you; get up and look around and see if you can see him?—[*The Witness having looked round the room, pointed to the person who had been brought in, and said*]—That is him.

636. That is the man?—Yes.

[The person pointed out withdrew.]

637. Did he give you anything?—Yes, sir, he gave me 10 *s.* for the first election.

638. How much?—Ten shillings.

639. Thirty shillings?—No, 10 *s.*

640. Ten shillings?—Yes.

641. He gave you 10 *s.*?—Yes.

642. Did he say anything to you when he gave you that?—Yes, he told me to try and get my brother to go with him.

643. To go where?—Down to the Lisburn election, sir.

644. Did you say anything to that?—I told him I would, sir.

645. You got 10 *s.*?—Yes.

646. Did you hear anything that passed between your brother and Mr. Johnstone?—No, sir, I did not.

647. Do you know a tailor of the name of M'Arthur in Derry?—A tailor?

648. Yes?—No, sir.

649. Do you know a shopkeeper of the name of M'Arthur?—Yes.

650. What was that for?—It was to change some money that was paid for my clothes.

651. Tell us about the money for the clothes, that is what we want to know; tell us all about it, Backas?—My brother went up and ordered M'Arthur.

652. Mr. *O'Malley.*] Did you go with your brother?—No, a boy came down with him.

653. Mr. *Clerk.*] Were some clothes brought for your brother?—Yes, the things were brought there; my brother was in the shop, Mr. Johnston was upstairs, and I was sent up for the money to pay for the clothes.

654. Were the clothes brought there?—Yes, the clothes were brought upstairs.

655. Did you see Mr. Johnston when you went upstairs?—Yes.

656. Did he give you anything?—Yes.

657. What did he give you?—He gave me 4 *l.*, sir.

658. When he gave you that 4 *l.*, did he say anything to you?—No, sir.

659. Was this before or after he had given you the 10 *s.* for yourself?—I am not sure.

660. When you got the 4 *l.* from Johnston, what did you do with it?—I came down, but whether I gave the money to my brother or to the man that was bringing the clothes, I cannot tell.

661. You were telling us about some clothes, did your brother have anything else besides these clothes about that time?—Yes, he had a pair of boots.

662. Do you know where he got the pair of boots?—Yes, across the street.

663. Mr. *O'Malley.*] Did you go with him?—He went over first and ordered the boots, and they brought them over.

664. Who paid for the boots?—I paid for them.

665. Where did you get the money to pay for the boots?—I think my brother gave it to me, but I am not sure.

666. What became of your brother after this, did he remain in Derry?—No, he went down immediately the same day, down to Lisburn with Mr. Johnston.

667. Mr. *O'Malley.*] Did you go with him?—No.

668. Mr. *Clerk.*] He went from his house?—Yes.

669. With whom?—Mr. Johnston.

670. Do you know what day the Lisburn election was?—No, I do not.

671. Do you know how long this was before the election?—No, not altogether, sir, I heard my brother say it was a week.

672. Never mind what your brother said; what did your brother do with the clothes, did he wear them, or did he put them away?—He put them on him.

673. Did he have them on when he went away with Mr. Johnston?—Yes.

674. How long was your brother absent from Derry at that time?—About a fortnight or three weeks, I am not sure which.

675. Have you ever seen Johnston since that time?—Yes, I saw him the last election.

676. About what time was that, in what month was it?—I don't exactly know, sir.

677. Was it in the summer time?—Yes.

678. Did anything occur at Derry—I am going back to the February election a moment—did anything occur during the time that your brother was away from home to his things?—Yes.

679. What happened?—The landlord took some of them away, sir.

680. Were any of his things sold?—Yes sir.

681. Now

681. Now we will come to the June election; where was it that you saw Johnston about that time, in June last?—That is the last election.

682. Yes?—In their own house.

683. At Derry?—Yes.

684. Did you hear anything said by him to your brother?—No, sir.

685. Do you know a man of the name of Hart Kerr?—Yes.

686. Where does he live?—Next door to us, in High-street.

687. Did you see Hart Kerr about that time in Derry.—Yes.

688. Where did you see him?—I saw him backwards and forwards from his own door to ours.

689. From his own door to yours?—Yes.

690. Was he ever inside your house at that time?—I could not say, sir; I don't think he was.

691. Were you ever present when anything passed between your brother and Johnston and Hart Kerr?—No.

692. Do you recollect whether you yourself went to Hart Kerr's about that last election; did you take anything to him?—Yes, I took 3*l.*

693. To Hart Kerr you took 3 *l.*?—Yes.

694. Who gave you that money?—My brother, sir.

695. Your brother?—Yes, sir.

696. Did Hart Kerr say anything to you when you gave him that money.

Mr. *O'Malley* objected to the course of the examination before Johnston's agency was proved.

Mr. *Clerk* replied that he would prove Johnston's agency, and that Hart Kerr was made a medium to carry on the bribery.

697. Now, did Hart Kerr say anything to you when you gave him the 3 *l.*?—I don't recollect him saying anything, sir.

Cross-examined by Mr. *O'Malley.*

698. You are not a voter, I suppose?—No.

699. How old are you now?—Going for 17.

700. Last year you were 16?—Yes.

701. Has your brother a wife?—Yes, sir.

702. Have you great influence over your brother?—Sir?

703. You have great influence, I suppose, over your brother; you can make him do what you like, can you?—No, sir.

704. Did you tell Mr. Johnston you could?—Yes, I told him; but I did not say anything to my brother.

705. Did you tell Mr. Johnston that you could make your brother do what you liked?—No.

706. You say he gave you 10*s.* to make your brother go to Lisburn?—He gave me 10*s.* to ask my brother, and try and make him go.

Chairman.] A sort of retainer.

Mr. *O'Malley.*] A retainer for the time; he has got a vote himself, I suppose.

707. Now just tell me this; you told us about the clothes. Was Johnston upstairs?—Yes.

708. In what room?—He was in a back room.

709. What do you call the room?—We had only one room upstairs in the house.

710. So that it was a front room as well as a back room?—Yes.

711. What was he doing up there?—He came up to see my brother about the election, and took his tea.

712. You had a shop below stairs, had you not?—Yes.

713. Was it downstairs or upstairs that he gave you 10*s.*?—Upstairs.

714. Did he call you upstairs to give it you?—I was upstairs at the time.

715. What were you doing upstairs; was it a shop or sitting room or bed room?—I was not doing anything.

716. Is it a shop or a bed room, or a sitting room, or what?—It was used as both; we had only the one. It was a bed room.

717. When the clothes came, what time of the day was it?—It was in the morning, between 10 and 11 o'clock.

718. Had he slept there?—Who, sir?

719. Johnston?—No.

720. He did not sleep there?—No.

721. What time in the morning was it that he came?—About eight o'clock.

722. Had he any breakfast there?—Yes.

723. He had his breakfast there?—Yes.

724. What room did he breakfast in?—The bed room.

725. He breakfasted in the bed room; you are sure of that?—Yes, sir.

726. Now what time did he breakfast in the bed room?—I could not say, sir.

727. Was it before or after the clothes came that he breakfasted?—Before.

728. Where was your brother; did he breakfast there with him?—Yes.

729. He came about eight o'clock, and he breakfasted with your brother; what was he doing all that time: talking to your brother?—Yes.

730. All that time?—Well, he might have sat there an hour or two, not talking; I cannot say.

731. Was he there an hour or two talking, before the clothes came?—They might have sat an hour or two without his speaking to my brother.

732. He might have sat there an hour or two without speaking to your brother before the clothes came?—Yes.

733. Do you think that is what he did?—I could not say, sir.

734. Now, tell me whether, not exactly for an hour or two, but whether he was not talking all the time to your brother?—Well, I should not like to say all the time.

735. Some time talking to you, and some time to your brother?—Yes.

736. Now, when you went up, who was in the bed room with him; when you went up to Johnston?—When I went up for the money.

737. Yes?—No one but himself.

738. No one. Where was your sister-in-law, your brother's wife?—He was not married at that time.

739. I asked you if he had a wife?—He has.

740. He was not married at that time?—No.

741. Was there no one but yourself with Mr. Johnston. Was he sitting or lying down on the bed?—He was standing on the floor.

742. Was there a fire in the room?—Yes.

743. Where was your brother?—Down in the shop.

744. What did he give you, gold or notes, or what?—Notes.

745. How many?—I think it was four.

E. Backas.

11 March 1864.

746. You think it was four?—I am sure it was four.

747. You are sure of it?—Yes.

748. Talking of clothes, you are very well clothed now; where did you get that new coat?—I got in Derry, of a man of the name of Gallaper.

749. Who gave it you; who paid for it?—My brother paid for it.

750. When?—The day we left for London.

751. The day you left for London your brother paid for your coat?—Yes.

752. And paid for the rest of the clothes?—Yes.

753. You had a new suit of clothes when you came to London?—Yes.

754. You have two pair of trousers on, have you not?—Yes.

755. Did he buy them both?—No, sir.

756. You have put the new over the old; did he get the hat?—Yes.

757. And the shoes?—No.

758. You got a hat and a new suit of clothes; and I hope a new shirt, and all that sort of thing; you are dressed out regularly; your brother did that?—Yes.

759. The morning before you came away?—Yes.

760. It cost plenty of money, I suppose?—I bought it; it was 1*l.* for all.

761. Clothing must be very cheap there; did you see him pay for the clothes?—Yes.

762. Did he get a new suit for himself?—No.

763. No new clothes himself?—No.

764. You are sure of that?—Yes, sir.

765. Where did you go to when you came here?—Sir?

766. Where did you go to when you left Londonderry?—We came to Belfast.

767. Who brought you there?—My brother brought me.

768. Did you meet any one at Belfast?—Sir?

769. Did you meet any one at Belfast?—I don't know, sir.

770. You don't know?—I don't know.

771. Did any one come to take you from Belfast, or did you come with your brother alone?—No, there were people in the train.

772. I dare say there were; but were there people of your party?—Sir?

773. Were there not any people of your party in the train?—No, not from Derry to Belfast.

774. From Belfast?—From Belfast to London? Yes.

775. Who took charge of you from Belfast?—A man of the name of Mr. Kennedy.

776. Where did he bring you to?—He brought us to the Fleetwood steamer.

777. And paid your expenses?—No, my brother paid for them.

778. Do you mean to say that your brother paid for all?—Yes.

779. I ask you, did your brother pay for all?—I don't mean that he paid the money out of his own pocket, but out of the money he got to pay his passage.

780. Who gave him that money?—A young gentleman gave it him.

781. Was that before he bought the suit of clothes?—Yes.

782. Do you know how much he gave him?—Yes; he gave my brother four guineas, and me three guineas.

783. But then you did not want your brother to pay your expenses, if you had three guineas of your own, seeing he gave your brother four guineas, and you three; what did you do with them?—I gave it to my brother to manage it.

784. Now, how long have you been in London?—Since yesterday.

785. Did you tell any one what you were going to say?—No.

786. Never. Take care. (*Witness hesitates*). Take care?—I did not tell any of the people that were with me.

787. Did you tell anyone?—Yes; I told a gentleman in some office.

788. Where?—I do not know,

789. Here, in London?—Yes.

790. Before you came to London, did you ever tell what you were going to say?—No.

791. Did any one examine you in any way, as to your evidence, before you came to London?—No.

792. Did you speak to your brother about it?—I asked him questions about it; but he would not answer me.

793. Do you mean to tell these gentlemen, that he would not answer you?—He would not answer me in the terms I asked him.

794. What terms did he answer you upon?—I could not say, altogether.

795. You can tell us something about it. If you know he did not answer you on the terms you asked him, you can tell us, cannot you, what the terms were?—No.

796. What were the questions that you asked, which he would not answer?—I asked him what I should have to say.

797. And what were the terms he answered you in?—I could not say.

798. You cannot say what answer he gave to that?—No.

799. How often did you ask him what you had to say?—A couple of times.

800. Only a couple of times?—I think that is all.

801. You cannot tell us what he answered either time. Now take care, boy, what did he answer?—(No answer).

802. Did you talk the matter over?—(No answer).

803. Did you talk the matter over?—I am not sure.

804. Do you not know that you talked the matter over?—(No answer).

805. Do not you know that you talked it over?—(No answer).

806. Come?—I don't altogether understand what matter you mean.

807. You don't know altogether what I mean?—No.

808. Yes, you do; you are very intelligent; you know what I mean very well; did you talk the matter about which you were coming to town over?—That is about the election?

809. Yes?—I asked him a couple of questions, what I would have to say; that is all, and he did not give me an answer on that.

810. Did he pretend not to hear you?—No, perhaps he was afraid that he should be put in gaol for telling me anything about it.

811. Did he tell you that?—Yes, he told me so.

812. Do you mean to swear that he was afraid he should be put in gaol if he said anything about it?—He told me that if he told me to say any particular word, it might be the first question which they would ask him.

813. He told you that if he was to tell you any

any particular word it might be the first question asked him?—Yes.

814. What else did he tell you?—That is all.

815. Do you mean to say that you did not talk over about the election?—I could not say that I did.

816. The whole of your way you did not talk about the election, come?—I am not sure I was not speaking to him particularly.

817. Don't you know you talked over it very often?—No, sir, I am not sure.

818. You are not sure whether he did talk over it or not?—No.

819. Did he not tell you to be sure when you came here not to say that you had not been talking to him?—No.

820. Will you swear that you did not tell him that?—He did not tell me to tell you that he had not been talking to me.

821. Did he not tell you that you were not to say that he had been talking to you?—No.

822. You swear that?—Yes.

823. He only told you that he might be put in gaol if he did?—Yes.

824. Did he say that you would be put in goal if you told of it?—No.

825. He did not say that?—No, sir.

826. There was no fear of that?—No.

827. Was 7 *l.* what you got altogether?—Seven guineas.

828. Was that what you got altogether?—I think that was all we got to come to London with.

829. What did you get besides?—We got our lodgings, and got our board in London.

830. What money?—Sir?

831. What money?—I don't think we got any more money.

832. You don't think you did?—No.

833. Try and recollect?—We got no more money for leaving Derry to come to London.

834. I am not asking you whether you got it for leaving Derry, but how much you got?—We did not get any more than the seven guineas.

835. What did you mean by telling me that you were not sure whether he did or not?—Sir?

836. Did you get no more money?—No.

837. Did you get any more for any other purpose. Why did you say that that is all you got for coming to London. Were you promised any more?—No, sir.

838. Now, take care. Were you promised any money for coming to London?—No, not that I know of.

839. Did not your brother tell you that he was?—I do not think he did.

840. Will you swear that he did not?—I am not sure.

Re-examined by *Mr. Clerk*:

841. Tell me how long has your brother been married?—Since last Monday.

842. Tell me, my learned friend was very anxious to know, why you have got that pair of trowsers on?—I put them on because I had to travel at night in the steamboat.

843. Your brother got four guineas, and you had three to bring you to London. What class did your brother bring you from Derry to Belfast?—The second class.

844. The second-class in the steamboat—Yes.

845. The second-class in the railway?—No, the third-class in the railway.

846. You came third-class in the railway from Derry to Belfast, and second-class from Belfast to London?—Yes.

847. Did he save enough out of that 4 *l.* to get you that suit of clothes?—Yes.

848. And saved money enough out of it to get a new coat?—Yes.

849. By the *Committee.*] Did you and your brother live alone in this house in Londonderry?—The house that we are at present in, in London.

850. Did you and your brother live alone at the shop at Derry at the time of the election?—Yes.

851. When your brother went away for a fortnight at the February election, did he leave you to manage the business?—Yes.

852. What money did you have to live on then during his absence?—He left me the 10 *s.* that Johnston gave me, and what money I made myself.

853. Did you make any money?—Yes.

854. What by?—By the business which we were carrying on; the umbrella business.

855. How old is your brother, do you know?—He is past 19.

856. Only two years older than you?—That is all, sir. I am not sure. Two or three; I am not sure.

857. You are quite sure you are 17?—No, sir, I am not 17 yet.

858. You said that the man gave you four notes up in the bed-room?—Yes.

859. What did you do with those four notes?—I am not sure whether I gave it to my brother, or the boy that came with the clothes.

860. Do you know what he did with them; you did not see them paid for the clothes?—Yes, I was present when he was paid for them. The man who brought the clothes took them.

861. *Chairman.*] Took the notes?—I am not sure, sir; I think he did.

[Adjourned to To-morrow, at Eleven o'clock.

Sabbati, 12° die Martii, 1864.

HUGH ADAIR, Esq., Chairman.

The Names of the Members were called over:—All present.

The *Chairman* stated, that an application had been made on the part of the Sitting Member for an order to summon the Petitioner, Mr. Jonathan Joseph Richardson, as a witness. If summoned as a witness, the effect would be to exclude that gentleman from the room, and at the meeting of the Committee yesterday they had made two exceptions, and allowed the Petitioner and the Sitting Member to remain in the room. The object of the application was probably to insure Mr. Richardson's attendance until the close of the inquiry in the event of the Sitting Member desiring to call him as a witness, thus saving the expense of sending to Lisburn to summon him.

Mr. *Phinn* stated that he would undertake that Mr. Richardson should not leave London before the close of the inquiry.

The *Chairman* stated that another application had been made for an order for the attendance of a gentleman named Strangman. That gentleman had probably been present yesterday during the proceedings; but as he was to become a witness, he would now retire from the room.

Mr. *Phinn* stated that Mr. Strangman had not been present during the proceedings yesterday; in fact, he was not in London.

Mr. *Cooke* stated that he wished to inform the Committee in reference to what was stated by Mr. Phinn yesterday as to a witness of the name of Downey having been taken away by parties in the interest of the Sitting Member, that the facts of the case were these: Downey, on arriving at Fleetwood, preferred the company of his own friends to that of people he did not associate with. On arriving in London, he went to the office of Mr. Wyatt, the agent for the Petitioner, and was in the gallery the whole of yesterday with the other witnesses.

Henry H. Bottomley, Esq., was called in; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

H. H. Bottomley, Esq.

12 March 1864.

862. I believe you are Sub-Sheriff for the county of Antrim?—I am.

863. In that capacity are you returning officer for the borough of Lisburn?—Yes.

864. Did you act as such both at the June election and at the February election?—I did.

865. The February election took place under the old law, and there was an auditor?—There was an election auditor.

866. The June election took place under the new law?—It did.

867. Which prescribes that the vouchers and expenses of the election shall be sent to the returning officer after a certain time?—Yes.

868. Do you produce the vouchers and bills of both the candidates?—I do; these accounts are furnished to me by the election agent of Mr. Verner.

869. What was his name?—Mr. Crommelin Irwin.

870. Is his appointment as election agent among the papers? I dare say my learned friend will admit that Mr. Crommelin Irwin was the election agent?—I have it.

[*The Witness produced the following papers:*]

"Borough of Lisburn Election, June 1863.

"Received from Crommelin Irwin, Esq., agent for election expenses of Edward Wingfield Verner, Esq., the returned candidate, the sum of six pounds six shillings sterling, amount of my fee as inspector of Booth 2 on the day of polling; dated this 11th day of August 1863.

"£. 6. 6. *James M^c Lean*,
11th August 1863."

"Borough of Lisburn Election, June 1863.

"Received from Crommelin Irwin, Esq., agent for election expenses of Edward Wingfield Verner, Esq., the returned candidate, the sum of six pounds six shillings sterling, amount of my fee, as inspector of Booth 1, on the day of polling; dated this 11th day of August 1863.

"£. 6. 6. *James Young.*"

"Borough of Lisburn Election, June 1863.

"Received from Crommelin Irwin, Esq., agent for election expenses of Edward Wingfield Verner, Esq., the returned candidate, the sum of six pounds six shillings sterling, amount of my fee as inspector of Tally-room, No. 1, on the day of polling; dated this 11th day of August 1863.

"£6. 6. *Samuel Kennedy.*"

"Borough of Lisburn Election, 1863.

"Received from Crommelin Irwin, Esq., agent for election expenses of Edward Wingfield Verner, Esq., the returned candidate, the sum of six pounds six shillings sterling, amount of my fee as inspector of Tally-room, No. 2, on the day of polling; dated this 11th day of August 1863.

"£.6. 6. *Jno. Pennington.*"

"Borough of Lisburn Election, June 1863.

"Received from Crommelin Irwin, Esq., agent for election expenses of Edward Wingfield Verner, Esq., the returned candidate, the sum of ninety-two pounds six shillings and one penny, amount of my fee as conducting agent of said E. W. Verner; dated this 11th day of August 1863.

"£. 92. 6. 1. *Lucas Waring.*"

"Borough of Lisburn Election, June 1863.

"Received from Crommelin Irwin, Esq., agent for election expenses of Edward Wingfield Verner, Esq., the returned candidate, the sum of thirteen shillings and tenpence sterling, amount of my fee as cheque clerk on the day of polling in Booth No. 1; dated this 11th day of August 1863.

"£. 0. 13. 10. *Jno. Bennington,*"

"Borough of Lisburn Election, June 1863.

"Received from Crommelin Irwin, Esq., agent for election expenses of Edward Wingfield Verner, Esq., the returned candidate, the sum of thirteen shillings and tenpence sterling, amount of my fee as cheque clerk on the day of polling in Booth No. 2; dated this 11th day of August 1863.

"13 *s.* 10 *d.* *William Wilson,* per J. W."

"E. W. Verner, Esq., M.P.

1863, June 26.—Lisburn Election.

Sheriff's expenses payable by you:

	£.	*s.*	*d.*
Booth No. 1 - - - - -	1	10	–
Incidental expenses - - - -	1	10	–
Deputy and poll clerk - - -	1	10	–
	4	10	–
Booth No. 2, like - - -	4	10	–
	9	–	–
One-third off - - -	3	–	–
	£.6	–	–"

"Received from Crommelin Irwin, Esq., agent for election expenses of E. W. Verner, Esq., the amount of above account (being six pounds sterling); dated this 11th August 1863.

"£.6. *H. H. Bottomley,* for Returning Officer."

H. H. Bottomley, Esq.

12 March 1864.

"Borough of Lisburn Election, June 1863.

"Received from Crommelin Irwin Esq., agent for election expenses of Edward Wingfield Verner, Esq., the returned candidate, the sum of one pound sterling, amount due for my services as clerk in Tally-room, No. 1, on day of polling; dated this 11th day of August 1863.

"£. 1. *D. T. Belshaw.*"

"Borough of Lisburn Election, June 1863.

"Received from Crommelin Irwin, Esq., agent for election expenses of Edward Wingfield Verner, Esq., the returned candidate, the sum of one pound sterling, amount due for my services as clerk in Tally-room, No. 2; dated this 11th day of August 1863.

"£. 1. *Robert Gardner.*"

"The Ulster General Advertiser Printing Establishment, 2, Donegall-street, Belfast.—Committee of Lisburn Election, on behalf of E. W. Verner, Esq., to John Wallace, Dr.

"1863, June 30.—To advertising E. W. Verner's address to the Electors of Lisburn, £. 1. 1.

"Received from Crommelin Irwin, Esq., agent for Election Committee of E. W. Verner, Esq., the amount of this account; dated this 11th day of August 1863. Settled, August 14th, 1863, *John Whelay.*"

"The Belfast News Letter Office and General Printing Establishment, 25 Donegall-street, Belfast.—Edward W. Verner, Esq., M.P., to the Proprietor of the Belfast News Letter, Dr.

1863:		£.	*s.*	*d.*
June 10	To advertising address to electors - 14	14	14	–
„ 13	„ in W. news. - - 2	2	2	–
„ 10	„ 100 posters, printed at night - -	2	–	–
„ 19	„ 300 bills - - - - -	–	10	6
„ 22	„ 200 posters, and posting same - -	3	13	–
„ „	„ 200 bills - - - - -	–	7	–
„ 23	„ 250 voting papers - - - -	–	7	6
„ „	„ 300 circulars - - - -	–	12	–
„ 27	„ advertising return of thanks - 1	1	1	–
„ „	„ „ in W. news. - - 1	1	1	–
	£.	26	8	–"

"Received from Crommelin Irwin, Esq., agent for election expenses of E. W. Verner, Esq., the amount of this account; dated this 11th day of August 1863.

James A. Henderson p. D. S. Spilley."

"Offices of the Daily Northern Whig.—The Weekly Northern Whig, Calendar-street, Belfast. E. W. Verner, Esq., to F. D. Finlay & Son, Dr.

1863:		£.	*s.*	*d.*
June 11	To advertising in the Whig newspaper address to the electors of Lisburn, number of insertions - - - 3	3	3	–

F. D. Finlay & Son.
Paid *G. C. Sake.*"

"Received from Crommelin Irwin, Esq., agent for election expenses of E. W. Verner, Esq., the amount of this account, dated this 11th of August 1863.

H. H. Bottomley, Esq.

12 March 1864.

"13, Donegall-place, Belfast, — of August 1863.—E. Wingfield Verner, Esq., M.P., P. C. W. Arundell, Esq., *Dr.* to Marcus Ward & Co.:—

"1863. June 12.—To 250 cards printed, 10*s.*

"Paid, *Marcus Ward & Co.,*
"*Thomas E. Perohip.*

"This account is correct, as I ordered the cards.

"*Chas. M. Arundell.*

"Lucas Waring, Esq., Lisburn."

"5*s.*

"Mr. Waring—Sir; I am allowed by Mr. Beatty for to call on you for one day's posting up bill through the town, on the day previous to the day of voting, which I seek five shillings for same. I am in great need of same, as I am out of work this long time, and in doing so for me I will feel much oblidge to you for giving me same. Received from C. Irwin, Esq., the above account.

"Paid, 5*s.* *Andrew Briggs.*
"22d July 1863. *L. W.*"

"Mr. Waring—Sir; I posted 60 bills through the town, which I am entitled to 5*s.* for same; also I served all the notices in town and country, which I am entitled to 15*s.*, which makes one pound. Out of that I am to pay you back 5*s.*

"*Geo. Pattison.*"

"Received one pound, this 27th June 1863, from C. Irwin, agent for election expenses.

"*Geo. Pattison.*"

"James M'Cardwell, George Briggs, Andy Briggs, William Lemmon, Thomas Joan, Robert Wilson—those are the men that got to assist George Pattison to put up the large paper through the town.

"*George Pattison.*"

"One shilling got on account for each. Received from C. Irwin, Esq., six shillings.

"Paid 7*s.* *Geo. Briggs.*"

"Borough of Lisburn, To wit. } We, the undersigned electors for said borough do hereby give you notice, that we shall propose and nominate Jonathan Joseph Richardson as a candidate for the representation of said borough at the present election, and undertake to pay all costs and expenses which you may be at in connexion with same. Dated this 25th day of June 1863.

"*John Millar.*
"*Henry Major.*

"To the High Sheriff of the county of Antrim."

"Lisburn Borough Election, 25 June 1863.—Election Expenses of Edward Wingfield Verner, Esq., *Dr.* Crommelin Irwin, Esq., agent for election expenses of said E. W. Verner, in account with the returning officer, pursuant to Act 26 Vict. c. 29, s. 4.

Dr.

Agents, Booths.	£.	s.	d.
1863: To Mr. James M'Lean, inspector, Booth No. 2	6	6	–
„ Mr. James Young, inspector, Booth No. 1	6	6	–
„ Mr. Samuel Kennedy, Tally-room No. 1	6	6	–
„ Mr. John Pennington, Tally-room No. 2	6	6	–
„ Mr. Lucas Waring, conducting agent	92	6	1
„ Mr. Robert J. Crawley, inspector of booths	6	6	–
Cheque Clerks:			
„ Mr. John Pennington, Booth No. 1	–	13	10
„ Mr. William Wilson, Booth No. 2	–	13	10
Clerks in Tally-rooms:			
„ Mr. D. Belshaw, Tally-room No. 1	1	–	–
„ Mr. Robert Gardner, Tally-room No. 2	1	–	–
Mr. Verner's proportion expenses, two booths:			
To Booth No. 1, one-third expenses	1	–	–
„ deputy, one-third fee	–	13	4
„ poll clerk, ditto	–	6	8
„ incidental expenses, ditto	1	–	–
„ Booth No. 2, one-third expenses	1	–	–
„ deputy, No. 2, fee	–	13	4
„ poll clerk, No. 2, fee	–	6	8
„ incidental expenses, ditto	1	–	–
		6	–
„ Messrs. Johnston & Co. for printing	2	2	6
„ Ulster General Advertiser, printing address to electors	1	1	–
„ News Letter, per account	26	8	–
„ Northern Whig, per account	3	3	–
„ Marcus Ward & Co., printers, per account	–	10	–
„ Andrew Briggs' account for posting bills	–	5	–
„ George Pattison, ditto	–	15	–
„ George Briggs, ditto	–	6	–
	34	10	6
£.	167	14	3

Cr.

	£.	s.	d.
1863: By paid Mr. James Maclean, per his receipt	6	6	–
„ like, Mr. James Young, ditto	6	6	–
„ like, Mr. Samuel Kennedy, ditto	6	6	–
„ like, Mr. John Pennington, ditto	6	6	–
„ like, Mr. Lucas Waring, ditto	92	6	1
„ like, Mr. Robert J. Crawley, ditto	6	6	–
„ like, Mr. John Pennington, cheque clerk	–	13	10
„ like, Mr. William Wilson, ditto	–	13	10
„ like, Mr. Verner's proportion of expenses, booths, and incidentals, per sheriff's receipt, as on the other side	6	–	–
„ like, Mr. D. Belshaw, as general clerk in tallyroom, No. 1	1	–	–
„ like, Mr. Robert Gardner, as general clerk in tallyroom, No. 2	1	–	–
„ like, Mr. Verner's expenses of printing, &c., as on other side	34	10	6
£.	167	14	3

"Lisburn Printing Office, Railway-street, July 25, 1863. Committee of E. W. Verner, Esq., M.P., p. D. Beatty, Esq., to Johnston & Co., Dr. General Printers, &c.

"July 25.—To amount of account furnished, £. 2. 2. 6."

"Received from Crommelin Irwin, Esq., agent for election expenses of E. W. Verner, Esq., the amount of this account, dated 11 August 1863.

"Mr. Waring.—I know this is all right.

"*David Beatty.*"

"General Printing Establishment, Railway-street, Lisburn, 21 August 1863. The Committee of E. W. Verner, Esq., M.P., to Johnston & Co., Dr.

"July 30.—To amount of account furnished, £. 2. 2. 6."

" Borough of Lisburn.

" Received from Crommelin Irwin, Esq., agent for election expenses, on behalf of E. W. Verner, Esq., at late election, two pounds two shillings and sixpence, amount of above account, this 21st August 1863.

" £. 2. 2. 6. *Wm. Johnston.*"

871. You have the list of the expenses sent to you in conformity with the fourth section of the statute?—I have.

872. Who was the election agent for Mr. Richardson at the June election?—Mr. Snowden Corken. I beg your pardon, the appointment of Mr. Snowden Corken is signed by Robert Barbour.

873. Mr. *Cooke.*] There were three candidates?—Yes.

874. Mr. *Phinn.*] I only ask you as to Mr. Richardson and Mr. Verner; you say Mr. Crommelin Irwin was the agent for the election expenses of Mr. Verner. Who was the agent for the election expenses of Mr. Richardson?—I have no appointment of an election agent for Mr. Richardson.

875. I believe Mr. Richardson was not nominated till the day of polling?—He was not; he was nominated by a vote, and also by a nomination in writing signed by two of the voters.

876. Mr. *Cooke.*] Will you let me look at it?—(*The Witness handed it to Mr. Cooke.*)—Mr. *Bottomley.*] He was nominated also by two voters appearing before the sheriff.

877. By the *Committee.*] On what day?—On the morning of the polling, at eight o'clock.

878. *Chairman.*] Was Mr. Richardson the petitioner nominated by a requisition to the sheriff, signed by two electors as well as by word of mouth?—He was.

879. He was twice nominated on the requisition of two electors?—The electors served the nomination, and they afterwards appeared before the sheriff, and did it verbally.

880. They did it by writing at the nomination, and verbally on the day of polling?—No; it was all at the same time.

881. It was all done on the day of polling?—Yes; the two circumstances.

Mr. *Cooke.*] On the nomination day Mr. Barbour and Mr. Verner were nominated, and on the morning of the poll Mr. Barbour retired.

Chairman.] So that Mr. Richardson was exempted from appearing on the hustings?

Mr. *Cooke.*] Yes.

Mr. *Bottomley.*] In consequence of that he did not nominate his agent, which is done at the hustings.

882. Mr. *Phinn.*] However, did he nominate an agent afterwards?—No.

883. Did you have any account sent in on his behalf?—I had an account signed by him.

884. Have you got it?—I find I have not got it here among the papers.

885. Can you send for it to Ireland, if my learned friend wants it?—It only consisted of one item.

886. Do you find among the accounts of Mr. Verner at the June election, any account of a man named Johnston, a printer?—I find an account of Johnston and Company, printers.

887. What is the amount?—£. 2. 2 *s.* 6 *d.*

888. Is it initialed by anybody whose initials you know?—It is not initialed by any one.

889. *Chairman.*] What was the Christian name of that Johnston?—The account is headed Johnston and Company.

Mr. *Bourke.*] Edward Johnston was a cabinet-maker.

890. Mr. *Phinn.*] Do you know Mr. Beattie's handwriting?—I do not.

891. Will you leave your papers here; and what you have left behind, probably you will forward?—I will.

Cross-examined by Mr. *Cooke.*

892. I think I understood you to say, that you presided as returning officer at this last election in June?—The sheriff presided.

893. You were in attendance?—I was.

894. The poll opened at eight, did it not?—Yes.

895. Can you tell me how long it was after the poll opened, before any votes were recorded for Mr. Richardson. One or two hours elapsed?—I think not. I do not think a very long time elapsed.

896. *Chairman.*] Do you mean it was half an hour or an hour?—Perhaps an hour.

897. By the *Committee.*] Before any vote was tendered?—There was some little time elapsed, I think.

898. Mr. *Cooke.*] There were two votes recorded for Mr. Barbour at the commencement?—In the course of the day.

899. Was the voting exclusively for Verner for the first half hour or hour?—Yes; I think so.

900. I am told so, but I want you to tell me whether my information is right?—I think so.

901. I am told that for as much as two hours the voting was exclusively for Mr. Verner, and at the end of an hour and a half or two hours voters came up for the other candidate?—I think the voting was first for Mr. Verner, and then, after some time, a voter came up for Mr. Richardson. I was not prepared for Mr. Richardson's nomination, and I altered the poll-books immediately.

902. *Chairman.*] Was there any vote tendered for Mr. Barbour, before any vote was tendered for Mr. Richardson?—I really have not a very distinct recollection; I was going from one place to another. The town was considerably disturbed, and I was not there all the time.

903. Mr. *Cooke.*] Just be so kind as to take those books in your hand (*handing the poll-books to the Witness.*) Did you prepare the poll-books for a contest between Verner and Barbour?—Yes.

904. And after the poll had begun, you had to put Richardson's name in ink on the outside column. Is that so?—Yes.

905. *Chairman.*] That is the June election poll-book you are holding in your hand?—Yes.

906. Mr. *Cooke.*] Do these books allow you to assist us at all; do the voters go down the whole page for Verner before you get anything for Richardson?—Yes, in this booth they do, and in both booths.

907. A very considerable number of voters recorded their votes for Verner before you found any for Richardson?—Yes, in both booths.

908. By the *Committee.*] Do you remember the

H. H. Bottomley, Esq.

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the names of the two electors who appeared before the sheriffs on the nomination of Mr. Richardson?—I do not recollect them at this moment; if I were allowed to look for the papers, I am certain I can find them.

909. *Chairman.*] Do you mean if you look through them now?—If I retire perhaps I may hand it in.

910. Perhaps you will find that paper?—Yes.

911. By the *Committee.*] Do you know whether they were the same two who handed in the letter, and who appeared personally before the sheriff?—Yes, I understood they were.

912. *Chairman.*] You say you understood they were; do you know of your own knowledge whether they were?—One of them was; I can swear to that.

913. But you are not sure about the other?—I am almost sure that they were the same.

914. Mr. *Phinn.*] The names of the two men are John Miller and Henry Major, and this is the nomination paper (*handing same to the Witness*)?—Yes, and they are the same men.

915. *Chairman.*] Do you know that yourself?—I do; Mr. Major came first, and then he went for Mr. Miller.

916. What was the day of the polling at Lisburn in June?—The 25th June.

917. By the *Committee.*] Do you happen to recollect the one item in Mr. Richardson's account?—I do.

918. What was it?—It was a payment to the sheriff.

919. *Chairman.*] Do you know what was the amount of that?—Nine pounds.

920. And that account was signed by Mr. Richardson himself?—It was.

921. By the *Committee.*] That was the sole item?—Yes, as far as my recollection goes.

922. *Chairman.*] Will that satisfy you, Mr. Cooke?

Mr. *Cooke.* Quite, sir.

923. *Chairman* (to Mr. *Bottomley*).] Then you need not send it over.

Mr. Edward Johnston was called; and, having been sworn, was Examined by Mr. *Phinn*, as follows:

Mr. *E. Johnston.*

924. What are you?—I am a cabinet-maker by trade, but do not follow that at present.

925. How do you get your living?—I am a salesman.

926. Who to?—Mr. Nathaniel Campbell and Company, Broad-place, Belfast.

927. Are you a voter for Lisburn?—Yes.

928. Did you vote in February?—I did.

929. Who for?—Mr. Verner.

930. Did you remember receiving a letter from Derry from Backas (*handing same to the Witness*)?—Yes; I received this letter.

931. Is that the state in which you received it?—I think it was cleaner than this.

932. But was there more paper?—I would rather think there might have been, but I never took any notice.

933. Had it a signature when it came to you?—I could not remember that, but very likely it had.

934. Had it another piece on it when it came to you?—I could not say, I would rather think it had, I would rather think there may have been more of it.

935. But was there, or was there not?—I could not say.

936. Was there a signature or not when you received it?—Really I could not say.

937. Had you received other letters from Backas about that time?—Really I could not say.

938. Had you received other letters from Backas about that time?—I think not. I do not remember any.

939. It is dated in April; between the election of February and the election in June, how many letters did you receive from Backas?—At present I do not remember of any but the one.

940. Do you mean to say that you do not remember whether you received more than one letter from Backas between February and June?—I do not remember of any, and when searching my papers this was the only letter I could find.

941. Are you prepared to swear that you did not receive any letter between February and June?—I will not swear that.

942. Are you prepared to say that you did not receive several letters between February and June?—I do not remember receiving any but one, this letter in my hand.

943. That is not quite an answer to my question. Are you prepared to swear that you did not receive any letters between February and June from Mr. Backas except that one?—I am not prepared to swear that. I cannot swear that.

944. I will put to you three or four letters. Are you prepared to swear you did not receive three or four?—I do not think I received three or four.

945. Are you prepared to swear that you did not?—I cannot. All I can say is that I do not remember.

946. Had you ever received any written communication from Backas before the month of February?—I think I did.

947. How was it you came to be in correspondence with him?—By living next door to him in Lisburn, and I was acquainted with him.

948. How long had he left Lisburn in February since you had seen him?—I dare say it might be somewhere about three months.

949. It would be about November 1862 then he would have left; that is, about three months?—I could not say for a month.

950. Have you between November and February received any letter from him?—Not to my knowledge.

951. Did you go to Derry in February?—I did.

952. What day was it?—I think it was on a Thursday.

953. What day in February?—I could not say.

954. Was it in the beginning?—I think it was some ten or twelve days before the polling day.

955. How did you know Backas was in Derry?—I really could not tell that.

956. Did anybody tell you he was living in Derry?—I think the people of the town knew that he was living there, and it is likely I had heard from some of them.

957. Did anybody tell you he was living in Derry?—I could not swear who it was that told me.

958. But

958. But somebody did?--I heard it so.

959. Did you go to 15, Linenhall-street?—I went to Linenhall-street. I did not know his address.

960. Did you find Backas there?—I did, making an appointment.

961. What was your object in going to Derry to see Backas?—To get him as a voter.

962. Who for?—For Mr. Verner.

963. When you went for that purpose, you saw him?—I did.

964. Tell us the conversation that took place between you and him.

965. *Chairman.*] Was it at his own house you saw him?—In his own house.

966. Mr. *Phinn.*] I will ask another question before I talk about the conversation. Was anybody present besides him and you?—There was a brother, I think.

967. Edward Backas, a lad?—Yes.

968. What did you say to him when you went?—I could not just say the words, but my business was this, to speak to him to get him as a voter to vote for Mr. Verner.

969. Did you offer him anything if he would vote?—I did not.

970. Did you offer to give him 30*l.* for his vote?—I did not.

971. Did he say he was not prepared to go, and wanted an outfit?—He did.

972. What did you say to that?—I said I would get him what he wanted, or I would lend him my own clothes.

973. What did you do; did you get him what he wanted, or did you lend him your own clothes?—He said he would have to get new clothes.

974. Did you get him new clothes?—He went out and bought clothes.

975. Who found the money to buy the clothes?—I gave the brother money.

976. How much?—4*l.*

977. Did you give the brother anything besides 4*l.*?—I gave him 10*s.* to himself for the trouble and bother that he had, and for breakfast, I think.

978. Before this affair about the clothes, was there anything said about money?—No.

979. Did you offer him 20*l.*?—I did not.

980. I think you can recollect this. I ask you if, in the presence of the two Backas, you did not offer Backas the voter 20*l.*?—I swear I did not.

981. Did you say anything about 20*l.*--I did not.

982. Did you hold up your hands like that (*holding up his hands*)?—I was speaking to him, and wanted him to come with me. I had my hand up. I did not put it up with the intention of making any signs to him, but when I placed my hand up in that manner, he looked earnestly at my fingers, and he counted 1, 2, 3, 4, 5, and doing so, I took advantage and did so, and so (*the Witness described by holding up his hand*), till I had done it three times, and he then gave me his hand, and said "I am your man."

983. *Chairman.*] When you say three times, do you mean three times besides your hand in the original position?—No, three times altogether.

984. Mr. *Phinn.*] Was it both hands, or one?--One hand.

985. Then do you mean to say that no words were used about money?—Not about money for a vote.

986. No. We will see what it was for. Was there any mention of the word 30*l.*?—There was not. It never was mentioned.

987. When this pantomime was going on with the hands, was the brother present or not, or had he gone for the clothes?—I would rather think he was in another room. I could not positively swear that, but I think he was I do not remember him being present.

988. After you had put up your hand three times, you say he said he would go with you?—Yes.

989. Did you shake hands?—Yes, he gave me his hand, and said "Here is your man."

990. Well, then, the clothes were brought in after a time?--He sent out and came in again, and I think the parcel was sent afterwards.

991. That day, did you take him away from Derry; did you go away from Derry with him?--Yes.

992. Where did you go to?—To the railway station.

993. At Derry?—At Derry.

994. What time in the day was it?--It was between one and two.

995. Where did you go to?--We went to the railway station, and were too early for the train by some half-hour. We then went into a public-house, and we had something to drink, merely to pass away the time until the train came in.

996. Who paid for the drink?—It was I.

997. Then you went to the railway station; did you take tickets?—I took tickets.

998. Who paid for the tickets?—I did.

999. Where were they for?—Belfast.

1000. What did you pay for the tickets?—I really do not know; it was second class.

1001. When you got to Belfast, where did you go to?—I took a car and went to the length of the harbour office.

1002. What is the harbour office?—It is a building connected with shipping, I think, on the quay.

1003. What made you go to the harbour office; did you want to see anyone there?—It was on the direction to the house I was to go to.

1004. Why did you not go straight to the house you were to go to; what made you stop at the harbour office?—I thought we could pass down the street quieter by walking it.

1005. You got out at the harbour office; I suppose you paid for the car?—Yes.

1006. You and Backas went together; where?—To a man of the name of Redpath.

1007. Had you known Redpath before?—I stopped with him the night before.

1008. Is it called No. 15 Lodge?—No; I never heard it given that name.

1009. Is there a No. 15 Lodge held there?—Not that I know of.

1010. *Chairman.*] Are you a member of any lodge; because perhaps you would not know otherwise?—I was a member of Freemasons, but I have not attended any lodge, I think, about four years.

1011. Mr. *Phinn.*] You went to Redpath's; when you got to Redpath's, what did you do with Backas?—We both went in there, and remained with other voters that were in the house.

1012. Now just tell us how many voters there were in the house at Redpath's; can you give us the names of any of them?—There were twelve voters.

1013. Will you give us the names?--One man of the name of Mackenzie.

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1014. Did he vote for Mr. Verner?—He did, I believe.

1015. Who was the next man? — Andrew Johnston.

1016. Is he any relation of yours?—None.

1017. Did he vote for Mr. Verner?—I believe he did.

1018. The next?—John Backas.

1019. The next? — A man of the name of Bulwer.

1020. What is his Christian name?—I could not say.

1021. Did he vote for Mr. Verner?—I think so.

1022. Tell us the next man?—I do not know the names of them; they were nearly all strangers to me; I was only a short time in Lisburn before; I did not know them personally.

1023. You have told us some; were there any others whom you recollected; do you know a man named Singleton?—I do.

1024. Was he there?—He was.

1025. *Chairman.*] Was Golden there?—Yes.

1026. Do you know Golden?—I do.

1027. Was he there?—Yes.

1028. Do you know Singleton?—I do.

1029. Was he there?—He was.

1030. Did Golden and Singleton vote for Mr. Verner?—I believe they did.

1031. Mr. *Phinn.*] Can you recollect any other names?—I think a man of the name of Dempsey.

1032. *Chairman.*] Was Alexander Downey there?—I think not.

1033. Do you know him?—I do not.

1034. Mr. *Phinn.*] Did you give any directions to Redpath, the man who kept the house, as to what he was to do with him; find him a bed, or anything of that sort?—None, whatever.

1035. Did you see the man who kept the house?—Yes, often.

1036. You took him there; did you say anything about board and lodging, or anything of that kind?—I did not.

1037. Did you order anything to eat and drink?—I do not remember whether tea had been over with the rest that were there before we came in or not; I would rather think that they had waited tea for us.

1038. You sat down to tea, did you?—I believe we did.

1039. Did you stay there that night?—I did.

1040. And Backas with you?—Yes.

1041. How long did you stay?—I think nine or ten days.

1042. In the house?—In the house.

1043. Was Backas there all the time?—He was.

1044. Did he ever go out of the house?—I could not say that. Not to my knowledge.

1045. Did you go out of the house in these nine or ten days?—Yes; only a few yards from the door. If a car came, or anything of that sort, we went the length of the door, and spoke to the person; but no distance from the house.

1046. Did you have regular meals; all sit down together?—We had regular meals.

1047. All the ten days?—Yes.

1048. And whiskey galore occasionally?—There was not much whiskey.

1049. But there was some?—Yes, there was.

1050. Now, during these ten days, did any other voters come from Lisburn there?—Yes; I remember, I think, two coming after I came.

1051. Who were there?—I think there was one name of Cully.

1052. And another?—I do not know the other men's names.

1053. Now you tell us the night you arrived you did not know the names of all the men; but did the men you found there the night you arrived remain there during the ten days?—I think they all remained there.

1054. In ten days you had plenty of time to make one another's acquaintance; did you learn the names of any after you first arrived?—They were nearly all strangers to me until that time.

1055. But then, after you arrived did you learn the names of any of them?—Of some of them.

1056. Can you give us the names of any others than those you have already given?—I do not remember the names of any others. If the names were read out I perhaps could say whether they were there or not.

1057. At the end of the ten days, where did you go?—We went up to Lisburn on the polling day.

1058. Did you not go to Mr. Watson's hotel first?—Yes.

1059. What time was that?—It might have been about four o'clock in the morning.

1060. What day?—The morning of the polling.

1061. And then you went up to Lisburn?—Yes.

1062. Did you all go together?—There was a great number of voters.

1063. Did you go with men that had been staying in Redpath's house?—I did.

1064. Where did you go to first in Lisburn?—There was a number met us down at the train, and went back to an office, occupied, I believe, by Mr. Ward.

1065. Who is Mr. Ward?—He is called Captain Ward in Lisburn.

1066. Were the tally-rooms, as they are called in Ireland, at Mr. Ward's?—No; I do not know that they were.

1067. Is that Captain Coulson Ward?—I think that is the same place; I think the firm goes by that name.

1068. Having gone there, did you go anywhere else before you went to poll?—I did not; I left that to poll.

1069. Where did you leave the voters that had been at Redpath's?—Some of them had been polled before me, and perhaps did not return. The others remained in the room when I went to poll.

1070. Do you know a tally-room at Mr. Banister's?—I do not.

1071. Were you ever at all during the election at Mr. Banister's?—I never was in his house but once, and that was in the middle of the day at the time of polling.

1072. Did you go there to get your tally?—I did not.

1073. Where did you get your tally?—What is meant by tally?

1074. You are so innocent. Did you get a voting card?—There was a card with a name on it.

1075. Was that card in your possession?—No. It is given to me.

1076. Where?—In this office or room of Mr. Ward's.

1077. Were cards given to the other voters at Mr. Ward's?—I saw them given to some.

1078. Did you see Backas get one?—I could not say that he got one.

1079. All

1079. All the time that you were at Belfast, who paid for eating and drinking?—I do not know.

1080. You paid nothing?—I paid nothing further than if the men wanted some writing paper or the like of that, I might have sent out and got a quarter of a quire or half a quire; but I think it was once or twice only. I think the most of them had such things with them.

1081. Who paid the fare from Belfast to Lisburn on the day of polling?—I do not know.

1082. How did you get your ticket then?—It was given to me.

1083. Who by?—I think it was outside Mr. Watson's door.

1084. Who by?—I cannot say.

1085. Did the same man give the tickets to the other people?—I could not say whether it was one man gave them out or a number; but the man who gave me the ticket gave to others.

1086. When refreshments were wanted, who gave the orders?—Is it meat, or drink you mean.

1087. Meat or drink; who ordered breakfast and dinner?—After breakfast, we generally spoke some one of us to know what they would like for dinner; and whatever the party wishes, the order was generally given for.

1088. Who gave the order to the man who kept the house?—Sometimes one, and sometimes another.

1089. Did you give orders to the man who kept the house?—I may have done so sometimes, but not generally.

1090. If drink was wanted, who gave the order?—It was I.

1091-2. *Chairman.*] Were you the only person authorized to give orders for the drink, or did anybody else?

Mr. *Cooke.*] He has not said authorized.

Witness.] At first I had nothing to do with ordering, more than any other person in the house; but for better regulation among us, I proposed that Mr. Mackenzie should act as chairman over us, and whatever he said should be a rule amongst us. He declined to act, and then they called upon me to do so; a number of them. I think they were nearly all unanimous in that, and from that time I did so.

1093. Mr. *Phinn.*] But did it not sometimes happen, that a gentleman wanted more drink than was good for him?—Yes, in a few instances.

1094. Did you ever interpose to prevert his getting more than you thought good for him?—I have refused them in a kind of way, putting them off as well as I could, if I thought they had had enough.

1095. It must have been very dull shut up there for ten days, without plenty of drink?—We had as much drink as we wanted.

1096. Do you mean as much as you wanted, or as much as was good for you?—I did not take much at any time.

1097. But the others?—I always wished to have as much in the house as I thought would be good for them.

1098. Whilst you were there all those ten days, was there any talk about money?—I have heard one speak to the other about money.

1099. Did anybody speak to you about money?—No.

1100. And you spoke to no one?—Not further than there might be a little conversation among us.

1101. I should like to know the little conversation?—I have heard some say that likely there would be some little flushness of money, and there would surely be 20 *l.* each, or others if they got 10 *l.* would be well satisfied for their loss of time, and everything that way; they added different sums, and all that, but it was talk among us.

1102. What part did you take in this? were you for the 25 *l.* or the 10 *l.*?—I do not remember being for one or the other.

1103. You said you took a little part in the conversation; what did you say?—I really could not recollect.

1104. Do you mean to say that the ten days you were there, you cannot recollect anything you said about money, or said to you?—I may have mentioned 10 *l.* in conversations, or 20 *l.* or 30 *l.*, or any other amount; but I do not remember having any certain amount.

1105. Your memory seems to be very bad on some points; this is an interesting topic at Lisburn?—I wish to tell the truth.

1106. But we want the whole truth?—The whole truth you will get.

1107. Did you say anything about money to any one voter there?—I may have done so.

1108. Can you recollect any one man?—I cannot.

1109. Did you speak to Backas about it?—I may have done so.

1110. What did you say to him?—I cannot say.

1111. Did you both do this again (*holding up hands*)?—I did not.

1112. But these people were losing their work and their time, did they apply to you to know who was to pay them for that?—No, I had no authority in that way.

1113. Well, did some of them want to get out sometimes?—I never remember of any wanting to get out, only on one evening.

1114. Who was that?—That was Golden.

1115. Was he allowed to go out?—If I am allowed to explain I think it will be better.

1116. First answer the question, then explain it, that is the most convenient way; was he allowed to go out?—No.

1117. Who prevented him?—I remonstrated with him for one to keep him from going out.

1118. Will you explain? My friend is very anxious you should have the power of explaining?—John Golden, I think, came to me, I remember with two cups, a large teacup and a small one, and he said the cooks had been over a strong fire, and they required some drink. I gave him brandy in the two cups for the women in the house, and I found afterwards that in place of giving it to them he drank it himself. I noticed him to be the worse for drink, and after a little he got what you may term quite outrageous, and was for going out and moving about through the house creating great disturbance; a number of us thought it would be well not to let him out in that state until he would get sober, and if he then wanted to get out he would get out. We confined him in the house, and shut him up in the room.

1119. Locked the door?—I do not remember whether the door was locked. I think he did not lie down in the room, but kicked at the door, and wanted out until about 4 o'clock in the morning; at that time I think he had lain down in the bed, or got a sleep, very likely he may have done so. In the morning at breakfast, which was the first time I saw him after the night before, he seemed to be sick and dull.

1120. Was

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1120. Was the door locked or unlocked?—I could not say.

1121. Were there any gentlemen also staying at the house that are called plantmen?—I heard some men that lived a short way out of Lisburn, and were in the habit of rearing plants, I believe, they got the name of plantmen.

1122. They are men of small holdings, who have market gardens?—I believe that is it, two or three acres of land. I believe they bring them into Belfast.

1123. Do you recollect their names?—I do not recollect one of their names.

1124. How many of them were there?—I think there were three or four.

1125. Were they there all the time that you were there?—I could not say that.

1126. You were in the house you know?—I think there was some of them there all the time, whether others came during the time or not I could not say.

1127. Did they breakfast and dine with you?—Yes.

1128. Cannot you recollect?—They were strangers to me.

1129. But you talked to them, I suppose?—Yes.

1130. And learned their names at the time?—I think, perhaps, I never knew their names, that is, that I would not know by their name.

1131. And some you did, perhaps?—Yes.

1132. Can you tell me their names? Try to rub up your memory. Let me see if I can do it for you. Do you know a man named John Aiken?—I do not.

1133. Cannot you revive your recollection of these plantmen?—I cannot.

1134. Well now, all the time you were in this house, did you have any visitors?—Yes; I remember two or three men.

1135. Do you know Mr. William Graham, living at Lisburn?—I do.

1136. Did he visit you?—He was once there.

1137. Do you remember how long before the election?—I think it was the night before.

1138. Is that Mr. Graham the brewer?—Yes.

1139. Do you know a man named Charles Ward?—I do know him of late.

1140. What is he?—I believe he is a house agent.

1141. Where at?—At Belfast.

1142. Did he visit you there?—I never saw him in it.

1143. Do you know George Ingram?—I do.

1144. Did he visit you?—I think he was in about three times.

1145. Who is George Ingram?—He keeps a public house or tavern.

1146. Where?—At Belfast.

1147. Do you know Mr. Johnson, of Belfast?—No.

1148. Now did you give Backas anything after the election?—I gave him 5 *l.*

1149. How long after he voted?—I think about five days.

1150. But you see that did not come up to the three times with the house; that is only once?—I never intended that.

1151. What did you give him the 5 *l.* for?—He was a number of days after the polling, and he was staying with me; seeing he was losing his time, and moving about from the town at the same time; I was at a little expense from his stopping with me; as I got him from Derry I could not turn him out; I spoke to some persons for them to give him some money to take him home, as he was losing his time there; I do not remember who it was.

1152. Now you say you spoke to some persons; do you think you should recollect a name if I suggested it to you, if you cannot recollect it of your own memory?—I think I spoke to one Moses Bullick; he was living next door but one to me.

1153. What did you want with Moses Bullick; what did you speak to him for?—He was a person who took an active part in the election.

1154. Which side?—Mr. Verner's side; and as he had done so, I thought if he could not give the money himself, that he might speak to some person to get it.

1155. You did not get it from him?—I did not.

1156. Did you speak to anybody else?—I think I spoke to one man, Alexander M'Cann.

1157. What is Alexander M'Cann?—He was writing clerk in an attorney's office at that time.

1158. What had he to do with the election that you should speak to him to get money from him; because you do not get much money from writing clerks generally, I am afraid?—He seemed to take an active part in the election.

1159. What do mean by an active part?—Moving about, and talking to one, and talking to another.

1160. Do you know the Hertford Arms at Lisburn?—Yes.

1161. Were you up there first after the election?—I was not.

1162. Not at all?—I have been in it about three or four times since the election.

1163. But while you had your friend and guest, Backas, staying with you?—No.

1164. Do you know Mr. Beatty?—I do.

1165. Did you speak to him?—Not till after the first election; I believe I never changed words with the man.

1166. Did you speak to him on the subject of Backas?—I think not.

1167. Will you swear you did not?—I cannot swear I did not; but to the best of my knowledge I did not.

1168. Do you know Mr. Redmond Jefferson?—I do.

1169. How long have you known him?—Not till after the first election.

1170. How soon after the first election did you know him?—I was not certain; perhaps a month or five weeks afterwards.

1171. Do you mean you did not know him by sight, or had not spoken to him?—I would not have known him on the street had I met him.

1172. I see you wrote a letter to Mr. Backas; just look at it (*handing same to the Witness*); you see you had spent 5 *l.* and 4 *l.* 10 *s.*, which make 9 *l.* 10 *s.*, and the railway fare in the car; then he wanted something more; that is your letter; you see you offer to give bail for his rent, 5 *l.* or 6 *l.*; you say if you had any cash to spare, you would send him some?—Yes.

1173. How was it you were so liberal to him as that, offering to give Bail 5 *l.* or 6 *l.*?—To tell you the truth I thought I should get some for my loss of time and other expenses, from some of the election party.

1174. Who did you expect to get it from?—I could not say.

1175. Had you seen any of the election party before

before you went to Derry?—Not one of them, that is, speaking to them on the subject.

1176. Who was it suggested to you to go to Derry to spend your money, and to bring Mr. Backas here?—I do not know.

1177. Who directed you to go to the house in Belfast?—I was taken to it the night before.

1178. By whom?—There was a Mr. Davis, keeps a shop in Belfast; we were taken on cars, and put into his shop.

1179. Where from?—From the railway station.

1180. At where?—At Belfast.

1181. Where had you come from?—From Lisburn.

1182. Who had suggested to you to go?—No one.

1183. How many of you went?—I think there might have been some nine or ten that night.

1184. Who went with you from Lisburn to Belfast; nine or ten?—I remember a man of the name of Alexander Mackenzie.

1185. Were they the same men that were at Redpath's afterwards, or any others?—I could not say whether all the same or not, but a great number that were there did go to Redpath's.

1186. Who accompanied you and took you to Mr. Davis's shop from Lisburn?—Mr. Davis was the only man.

1187. He came from Lisburn?—I have seen others that came from Lisburn, but Mr. Davis seemed to have charge.

1188. Who else besides those men you have enumerated; was any body else in any authority besides Mr. Davis?—I have seen one man that took an active part.

1189. Who was that?—Name of Wilson.

1190. Is that Alexander Wilson?—I could not say.

1191. Is he a Lisburn man?—He is.

1192. Who paid the fare from Lisburn to Belfast?—I could not say.

1193. How did you get your ticket?—I think it was given to me in the railway carriage.

1194. Who by?—I could not say.

1195. From whom did you learn that you were to be at Redpath's, and not pay anything—Did you learn that from any one?—I did not.

1196. How was it you went to Redpath's, and stayed all this time, eating and drinking and paying nothing?—I went with the rest of the voters, and remained with them. I went where they were brought to, and remained.

1197. You did not remain, you know, because you went away from Belfast to Derry?—That was the day following.

1198. Who sent you to do that?—There was some person—I do not know who he was, by name or otherwise—took me into the corner of the room, and put 3*l.* in my hand. I found it to be 3*l.* afterwards. I did not look at it at the time. He told me it would be well to get Backas if I could.

1199. Do you mean to say that you do not know the man's name?—I do not.

1200. Was he a Lisburn man—Had you ever seen him in the streets of Lisburn?—I have not seen him since to know him.

1201. Had you ever seen him before to know him?—No, he appeared to be a stranger.

1202. Besides the man who put the money in your hand, was anybody else present?—There was several in the room.

1203. Give me the names of anybody present?—I could not identify one that was in the room at the time; only I remember when I was coming out, I met one man that I knew, of the name of Sam Young, who was coming into the room.

1204. Is he a Lisburn man?—He is.

1205. Is that the day you started from Derry?—It was that evening.

1206. Did you speak to him?—I did not.

1207. Did you see Sam Young, afterwards, at this house at Belfast, Redpath's?—I did not.

1208. Had you known Sam Young long?—I do not remember ever speaking to him before the election.

1209. Did you see him after the election?—Yes.

1210. Did you have a conversation with him about Backas?—I spoke to several about Backas. I do not remember who.

1211. Did you speak to Sam Young?—I cannot say I did. I cannot say I remember speaking to him.

1212. Can you say whether you did, or did not?—I cannot.

1213. What was the use of keeping Backas at Lisburn, for some days after the election; he had voted; what did you want of him?—He first remained in my house, till I could get some money to let him go home.

1214. Have you never made application to anybody for money for your services at the election?—I did.

1215. Who to?—I applied, I think, to Samuel Young.

1216. How long after the election was that?—It may have been, perhaps, five or six weeks.

1217. It may have been five or six days; which was it?—I think it was weeks.

1218. Did you make any claim for any particular sum?—No.

1219. Did you apply to anybody else?—Mr. Redmond Jefferson.

1220. When did you apply to Mr. Redmond Jefferson?—I think near about the same time as I applied to Mr. Young.

1221. Did you apply for any specific sum?—I may have mentioned what I was at.

1222. See if I can refresh your memory; did you mention the sum of 75*l.*?—I did not.

1223. Or a sum about that?—No.

1224. Did you mention any sum, 75*l.* to 77*l.*, to either Young or Jefferson?—I may have mentioned 5*l.* 19*s.* 2*d.*

1225. What for?—For clothes that I bought, and railway expenses.

1226. Who for?—For Backas.

1227. Who did you mention it to?—I think it was by letter to Mr. Redmond Jefferson.

1228. Did you get any answer?—I did not.

1229. None at all?—None.

1230. Have you ever received any money since the election?—None but what I have mentioned.

1231. From the party?—From the party.

1232. By the *Committee.*] You said you had received some money; how much did you receive?—5*l.* and 3*l.*

1233. When did you receive 5*l.*?—It was about five or six days after the first election.

1234. Mr. *Phinn.*] Who did you receive that from?—A man of the name of Herman. I think it was John Herman.

1235. How did John Herman come to bring you 5*l.*; did he give it to you himself, or from somebody else?—He gave it to me himself.

1236. Did

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1236. Did he say it was his own money?—No; he did not.

1237. Did he tell you where he had brought it from?—He did not.

1238. What is his business?—He keeps, I think, a grocer's shop.

1239. You did not apply to Herman? You had spoken to Young, and afterwards applied by letter to Jefferson. Had you applied to Herman?—I do not remember that I had.

1240. When he brought the money what was said?—He told me to get Backas out of the town as soon as I could.

1241. Did he say where the 5 *l.* came from?—He did not.

1242. He brought you 5 *l.*, and told you to get Backas out of the town as fast as you could?—Yes.

1243. Did you apply to Mr. David Beatty at all for money?—I dare say I did.

1244. If you dare say you did, perhaps you can go a little further. Could you say you did?—I cannot.

1245. Did you mention to Mr. Beatty this transaction with regard to Backas?—I do not remember ever mentioning it to him.

1246. Will you swear you did not?—I will not.

1247. Will you swear that you did not mention to Beatty the transaction about Backas, and Backas writing to you before the 2nd March 1863?—I could not swear.

1248. Well now, you wrote to Redmond Jefferson, and you got no answer. Did you take the trouble to go and see him on the subject of your letter?—I did.

1249. When was that?—I think perhaps some eight or nine days afterwards.

1250. After the election?—After I gave the letter.

1251. How long was the letter after the election?—Some five or six weeks I suppose.

1252. You suppose?—It is just a guess. I do not remember the time.

1253. When you went to him, where did you find him?—In his own shop.

1254. What did you apply for?—I asked him was it he that gave me the money, and he asked me to go to Derry for Backas.

1255. What did he say?—He denied that it was him.

1256. What made you think it was him?—I have tried several. I have tried nearly every one that took an active part in the election.

1257. He denied it?—Yes.

1258. Did you ask him who it was?—I do not remember asking that question.

1259. What was the conversation? What passed?—I do not remember what passed, but the conversation was very short.

1260. Did you get anything from him?—I did not.

1261. Now, I ask you what others did you apply to as having sent you to Derry at the election?—I applied to Mr. Samuel Young.

1262. You have given us him. Who else?—Mr. Moses Bullick.

1263. You have given us him. Anybody else?—I may have applied to Mr. Beatty. I do not remember.

1264. Do you know Mr. Beatty's handwriting?—No.

1265. Did you tell Mr. Beatty of your transaction with Backas before the 2nd of March?—I do not remember.

1266. Do you mean to say you cannot recollect whether you did or not?—That is what I mean.

1267. When you saw Mr. Jefferson, or any of those gentlemen, was any reference made to your being paid after the petition?—No; I do not remember.

1268. Well, but you have a very bad memory?—I really have a bad memory in general.

1269. The worst I have seen for a man of your age?—I am told by every person in business in the house that I have the worst memory of any. By my employers I am told so.

1270. When did that come on? Soon after the election?—What?

1271. The bad memory?—I have always had a bad memory.

1272. See if your memory will brighten a little. Was not reference made by any of those gentlemen that after the petition the good time was coming?—No; not that I know of.

1273. Then you positively say "no" now?—I cannot; I believe though.

1274. Do you know Mr. Strangman?—I do.

1275. Did you tell Mr. Strangman that you had been badly treated by the Vernerites, that you were owed 11 *l.* 6 *s.* 4 *d.*, irrespective of money furnished for yourself?—I remember speaking to Mr. Strangman something about election matters; I do not remember the amount that I mentioned.

1276. Did you mention you had been badly treated by the Vernerites?—Yes; I think I remember that passing.

1277. Did you tell him you were owed a sum of money? Your memory being so bad, I will not fix you to a sum of money irrespective of money furnished by yourself?—I may have mentioned that I lent money out of doing business at the time of the election, and I never have been paid it.

1278. *Chairman.*] What is your idea of doing business at the time of the election?—Well, I took an active part in it.

1279. But in what way; you may be very active in talking, and that sort of thing?—One thing was, I went to Derry for Backas; I reckoned that election business. While I was there with the voters, I made myself as useful as I could amongst them for their comforts. I looked upon that as doing business during the time of the election or canvas.

1280. I understood you to say that you paid for nothing whilst you were in Redpath's house at Belfast, and that you were not out of pocket any sum of money of your own?—Not to any amount. I may have bought a little note paper, and if they wanted a sheet of paper, to give it to them; or something in that way. I do not suppose that I was out of pocket 5 *s.* all the time I was there.

1281. Not more than 5 *s.*?—I think not.

1282. Mr. *Phinn.*] You got 5 *l.* and you got 3 *l.* You paid 4 *l.* 10 *s.* for the clothes; you gave him 5 *l.*; and you paid the railway expenses in the car. Did you happen to make out a little account to anybody?—I made out an account, and I think that I sent it to Redmond Jefferson.

1283. Did you give the items?—I gave the items.

1284. Did you write a letter with it?—I merely put a few words at the bottom of the account.

1285. That

1285. That is the form which you wrote to Mr. Redmond Jefferson?—Yes.

1286. Did you tell Mr. Strangman that you had written threatening letters to the Vernerites?—I may have done so.

1827. Did you do so?—I cannot swear.

1288. Did you say that you would give evidence upon our side if we would give you 200 *l.*?—I held that out at one time for a particular reason.

1289. You held that out at one time that you would give evidence if we would give you 200 *l.*, for a particular reason?—Yes; for a reason of my own, which I will explain.

1290. I should like to know your reason?—One reason was this, that I was not willing to be brought here as a witness at all.

1291. I can well understand that?—I thought if I got them to offer me money, and they had to summons me afterwards as a witness, I should not be brought here at all.

1292. You would have liked the 200 *l.*?—I would not have taken twice 200 *l.* to come. Another reason I had for making that proposal was this, I wanted to find out whether the petition was really going on or not. I thought that if they would really offer me that money the petition certainly was really going on, and I thought, on the other hand, if they would not consent to that, or some sum, that it would not be going on. Those are my two reasons.

1293. You did not get anything out of us?—I did not, although it was offered. There was a proposal made to me.

1294. Who proposed anything to you?—Attorney Kennedy.

1295. Proposed what to you?—I will give you all of it; I do not want to hide one word. I remember attorney Kennedy calling upon me in the warehouse where I am employed, and he told me that there was a counsellor down from Dublin on that evening to attend a masonic hall, and if I would meet him at seven or a quarter past seven o'clock on that evening; I told him if I could I would call at his house at that time. I had to go off that evening some four miles distant from Belfast on business, and was late returning. I did not call upon Mr. Kennedy that evening, nor for several days afterwards. I then thought it was my duty to call upon Mr. Kennedy, and let him know that I had been down, and Mr. Kennedy and I had some talk about the 200 *l.*, and said he, "What do you want with 200 *l.*?" "Well," said I "If I give private information I would not have a friend in the north of Ireland. I would have to emigrate out of the country." I said, "My family is large, and I would require at least 100 *l.* to do that." He then asked me, would 50 *l.* in hand, and 50 *l.* half notes do; I told him that it would not. I was called on at another time. I do not know whether this is the proper time to explain it or not.

1296. *Chairman.*] Is this Mr. Kennedy, of whom you are speaking, a person resident in Belfast?—He is a resident in Belfast.

1297. What is his business?—He is an attorney. He told me that he was agent in this part for the election business; I think that he did business in Belfast or the neighbourhood.

1298. By the *Committee.*] What was his christian name?—I could not say. His own residence is in Linen-hall-street, Belfast.

1299. What did he offer you, you said 50 *l.* and something about half notes?—£. 50 in hand, and 50 *l.* in half notes.

1300. What are 50 *l.* half notes?—If my evidence would be satisfactory, he would make me the other 50 *l.*

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1301. Half notes of what amount?—£. 50.

1302. Fifty one pound notes; half that you mean?—Yes.

1303. Mr. *Phinn.*] You did not get anything out of your side?—I did not.

1304. And you got nothing for coming here, except your regular expenses?—I got 4 *l.* 4 *s.*

1305. That was rather shabby treatment; did you tell Mr. Kennedy that you could put Mr. Verner out and keep him in, as you pleased?—I may have done so.

1306. Did you tell him that you had a bad memory?—No, I don't think I did.

1307. Do you know this Alexander M'Cann?—I do.

1308. Now, I ask you, and I beg you to be careful, were you not at the Hertford Arms frequently before you went to Derry?—I never was in it only the previous night.

1309. I thought that you told us just now that you had never been to the Hertford Arms till after the election?—I think not. I mean, I do not remember saying so.

1310. What made you go up there the night before you went to Derry?—I was sitting in a room with another man, consulting with him.

1311. And who was that other man?—Mackenzie. I was consulting with him what it would be best for us both to do, as we had work and employment for both sides, and whether it would be best for us to vote for Mr. Barber or Mr. Verner, or to remain neutral, or what was to be done.

1312. Did somebody come, while you were at this consultation, to fetch you?—I think some two or three came in while we were there.

1313. I want to get you to the Hertford Arms. How was it that you went to the Hertford Arms?—I left this house and went over.

1314. Did anyone suggest it to you?—There were five or six in the room, Mackenzie and I were together, and some three or four men came in, and some one of them said, "Come, boys."

1315. Do you know who it was?—I do not.

1316. Did you go with him up to the Hertford Arms?—I went out with a number that were up in the room, and there was also a number of people outside the door; and I followed the others over into the Hertford Arms.

1317. Did you go upstairs in the Hertford Arms?—Yes.

1318. Where to?—We remained a length of time on the landing.

1319. The first floor landing?—In the first floor landing.

1320. Did you go to any room there?—Yes.

1321. What sort of a room was it?—Very small room.

1322. Who did you find there?—I have seen a number of men there who I supposed to be voters.

1323. Tell me the name of any man you saw there?—I remember seeing Mr. Smith there.

1324. Did you see anybody else there?—Not that I remember, in that room.

1325. Did you go into the other room, the big room?—I did.

1326. Who did you find there?—I was told by a man who was on the landing, that I was wanted in there.

1327. And you went in?—Yes.

1328. Who did you find there?—Some person

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son took me by the arm as I entered the door and took me over to the far corner of the room, which was opposite the door. That was the time that they put the money in my hands, and told me that it would be well to get Backas if I could.

1329. You were told that in this room at the Hertford Arms?—Yes.

1330. I ask you if you did not tell me just now you were told that in the room at Belfast?—No; I never answered that question that way; if I did, I did not know what I was doing.

1331 Now, tell me who the man was?—I do not know.

1332. Was it Mr. Redmond Jefferson?—I could not say.

1333. Did you tell M'Cann that Jefferson had sent you to Derry for Backas?—I don't remember ever saying such words.

1334. I ask you, on your oath, did you not tell M'Cann that?—On my oath, I do not remember telling it.

1335. Who else was in that room besides the man who gave you the 3*l.*?—There were several.

1336. Give me the name of any of them?—I said before I could not.

1337. *Chairman.*] What was the sum of money which you received in this room?—£. 3.

1338. Mr. *Phinn.*] Do you know Glenmore?—Is it Mr. Richardson, of Glenmore, that you mean?

1339. Yes?—I do.

1340. Was he in the room?—I did not see him.

1341. Do you know Mr. Charles Murray Arundel; was he in the room?—I did not see him.

1342. Do you know Mr. James Ward Coulson?—I know a man who goes under the name of Captain Ward.

1343. Is he a damask manufacturer at Lisburn?—I believe he is.

1344. Was he in the room?—I did not see him.

1345. Do you know Lucas Wareing?—I do.

1346. Was he in the room?—I did not see him.

1347. Do you know David Beattie?—I do.

1348. Was he in the room?—I did not see him.

1349. Do you know Jacob Bannister?—I do. I know him of late, but I did not know him at that time.

1350. Was he in the room?—I did not see him.

1351. Do you know Thomas Cobeck?—There was a man, I think, of that name.

1352. Was he in the room?—I did not see him.

1353. Do you know William Graham, a brewer?—I do.

1354. Was he in the room?—I did not see him.

1355. Do you know Thomas Pelan?—I do.

1356. Was he in the room?—I saw him on the landing.

1357. Did he come into the room afterwards?—Not that I saw.

1358. Did you speak to him?—I did.

1359. What did you say?—We sat down and smoked on the landing together. I do not remember having any particular conversation.

1360. Was that whilst you were waiting on the landing?—Yes.

1361. *Chairman.*] That is before you went into the small room, and then into the larger room?—Yes.

1362. Mr. *Phinn.*] When you left the landing to go into the small room, was Palen there?—I think he was.

1363. Did he go into the big room afterwards?—I did not see him in either of the rooms.

1364. Do you know John Cane?—I know a man of the name of Cane, of late.

1365. Was he in the room?—I did not see him.

1366. Do you know Jonathan Richardson, of Glenmore?—I do.

1367. Did you see him in the room?—I did not.

1368. How many people were there in the room?—I could not say.

1369. Were there five or 20?—I may have seen about 10 men in the room, standing on their feet.

1370. Was there anybody sitting at the table?—I did not see the table, or any person at the table.

1371. How long were you in the room?—I think not one minute.

1372. Where did the man come from who gave you the 3*l.* in the corner?—I cannot tell; I met him in the door as I was going in.

1373. Did he give you any directions with regard to Backas?—He did not.

1374. What did he say?—It would be well to get Backas if I could. Those are the words as well as I can remember.

1375. Had anyone suggested to you about Backas before that?—Yes.

1376. Who?—I remember a neighbour of mine who lives next door but one.

1377. What is his name?—Moses Bullick.

1378. What was it that he suggested?—He said he thought that I was the best person to go for Backas.

1379. What did you say to that?—I do not remember what answer I may have given.

1380. Had Moses Bullick anything to do with your going up to the Hertford Arms?—No.

1381. Who was it that suggested you should go to the Hertford Arms?—It was some one in the room who said, "Come on, boys!" I do not know who it was.

1382. Did you follow him to the landing?—We followed him to the landing, and down the stairs of Mackenzie's house, across the street over to the Hertford Arms.

1383. Did he tell you that you were wanted?—He did not.

1384. Did you know where you were going?—No, I did not.

1385. Now, you say that you were at the Hertford Arms this time, and then you went away. Were you at the Hertford Arms on the following day?—No.

Cross-examined by Mr. *Cooke.*

1386. I think that I heard you say that there was another occasion on which you were offered something by Mr. Kennedy; or by somebody on the other side. Is that so?—There was nothing offered by Mr. Kennedy.

1387. Was there anything offered you by anybody on the other side since the 200*l.*?—Yes, there was.

1388. How long since?—I think that it may have been perhaps between two and three weeks.

1389. Where at?—The Royal Hotel.

1390. In Lisburn?—In Belfast.

1391. Who

1391. Who were present?—There was a man of the name of Wilson, who came to the warehouse for me.

1392. Is that Mr. Kennedy's clerk?—Yes.

1393. Is he a person whom you have seen about here?—Yes.

1394. Look around. Is he in the room?—Yes.

1395. He came and fetched you from the warehouse to the Royal Hotel?—Yes.

1396. Who did you find at the Royal Hotel?—I saw there a man.

1397. Give me the name?—I suppose him to be the counsellor. I do not remember the name. I think if I heard it that I should know.

1398. I only want you to tell me who you saw?—I saw also attorney Kennedy there.

1399. There was attorney Kennedy, and a person whom you supposed to be the counsellor. Who else was present?—He goes by the name of Mr. Richardson, of the island.

1400. Is that Mr. Jonathan Joseph Richardson who stood against Mr. Verner?—Yes; there was Mr. Richardson, Mr. Kennedy, this strange gentleman, whom I took to be the lawyer of some kind, and this man, Mr. Wilson.

1401. What was offered you by any of the persons in that room; what was said?—We had some talk about money; I do not remember whether any amount was mentioned or not.

1402. Tell us what passed; what was said to you when Wilson took you into the room?—This strange gentleman, whom I took to be a counsellor, asked me what I wanted to be done, and what I would want with the 100*l.* I told him that if I gave private information I would have to leave the country; let the case go what way it would, I would have to get out of the country, and I ought to have at least that sum. He said that he thought they would not be right in giving it, but that they would give me a good sum with the remainder, and good expenses, if I would give private information; afterwards he also asked me how many children I had. I told him four, and my wife and I. "Well, now," said he, "would it be far enough for you to go, would you want to go any farther than Australia?" I said that that would be far enough. "Well," said he, "I may say that all this will be complied with, but I dare not make a promise of it, for it would do the case harm." He led me to believe that he would send the money for me to go to Australia.

1403. When he finished saying that, what did you say; what passed?—He then wanted me to give private information, and appointed the next evening for this man Wilson to call upon me.

1404. Who did that, this strange gentleman?—The strange gentleman and Mr. Kennedy. It was settled at one time that Mr. Wilson was to call upon me the next evening after business hours to take private information; Mr. Kennedy said that it was better to have it done at once, and for Mr. Wilson to take it down; I refused to give it.

1405. Were questions asked you at that time?—Several questions were asked me.

1406. How long were you with Mr. Richardson and these persons when they were trying to make this arrangement?—I daresay that I was between half an hour and three quarters of an hour.

1407. Did Wilson come to you the next evening?—I was to meet him the next evening at the Ulster Railway Station.

1408. Did you?—I did not; I did not go home that way.

1409. Did he come to you at any time afterwards?—He did not; I have seen him since, but merely met him accidentally in the street.

1410. I was not here yesterday, but some notes was shown you, and you were asked about the condition that it was in; is that the letter which you had in your own house at the time you were spoken to by them?—Yes, I had that letter at the time.

1411. You had notice to produce the letter?—Yes.

1412. Did you search for and produce that letter which you have now in the state you found it?—I did.

1413. Did you tear it in two for the purpose of bringing only this one part here?—I swear that I did not.

1414. You have gone through a long statement, and said that you went with nine or ten other voters by railway from Lisburn to Belfast to the place you have told us about, kept by a man of the name of Redpath. What was the object of these men going there. Why were they there?—I can tell the reason why I went.

1415. What is the reason that you went?—Just to be out of the way.

1416. Out of the way of what?—To be from home, that I might not be annoyed about my vote, and so many calling.

1417. Did you learn from the other men who were there that they were locked-up to keep them from going back again if they wished?—Certainly not.

1418. Were they there of their own free will?—They were.

1419. Did you find them all persons wishing to support Mr. Verner?—Every one.

1420. And wishing for his success?—Every one.

1421. What did you learn from the men was their reason for going to Belfast instead of stopping at Lisburn?—I could not say that.

1422. What state was the town of Lisburn in before you went away with regard to Barbour's party?—In a very excited state.

1423. Was Golden there of his own free will?—He was.

1424. Did you know before you went from Lisburn to Belfast, of voters being carried down to Barbour's factory?—I saw cars passing my own door, and I was told that there were voters taken to Mr. Barbour's.

1425. Did you know of Barbour's factory being surrounded by a number of men, to prevent the voters going out?—I have heard it.

1426. Did any of Barbour's party come to Redpath's when you were there to speak to those men?—There were several came and wanted to get into the house.

1427. Did you know any of those men who came?—I have seen men in the street, out of the window, that I knew.

1428. I want their names?—One of them was Mr. Turner, I believe; he is since dead.

1429. What was he?—He was a man who took an active part in the election for Mr. Barbour.

1430. *Chairman.*] Was there any one else that you knew, who attempted to get into the house?—I have seen a Mr. Young passing backwards and forwards.

1431. And who else?—Three women that were brought in a car.

1432. Who

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1432. Who else?—I have seen a car driver.

1433. Anybody else?—I have seen a Mr. Kennedy.

1434. Who is Mr. Kennedy?—He is an umbrella-maker that used to be in Lisburn.

1435. Did you only see him, or did you have any conversation with him?—I had a conversation with Kennedy; a word or two.

1436. What did he want?—He came to the door when I was standing in the door. He shook hands with me, and asked me, was John Backas there. I told him that I would not answer any questions of the kind; and that I would have to go inside, and parted with him.

1437. Was there anyone else that you knew?—There was a Mrs. Mackenzie came to see her husband. She was there twice.

1438. Did you let her into the house?—Yes.

1439. Was she the only person that you let into the house?—My own wife was in.

1440. None but ladies were admitted?—No; there were no females, I think, during that time, but the two.

1441. By the *Committee.*] Who were the three women that you saw?—I could not say who they were.

1442. Did they ask to come in?—Not that I know of. They were standing in the street, and one of them appeared to be crying. Mr. Singleton, who was in the house at the time, went forward to the window, and, I think, lifted the window, and spoke out to these women. I heard a conversation between them. She was wanting to know was her husband there, and he said that he was not.

1443. Who did she ask for as her husband?—The man Singleton.

1444. Mr. *Cooke.*] But the honourable Member asks you who was the husband she asked for?—I don't remember.

1445. *Chairman.*] Singleton answered that he was not there?—Yes; I heard the name at the time. I did not know all the voters' names at the time; but I said I believed that he was not there. I did not know any man of that name there.

1446. Mr. *Cooke.*] Did you see either of Mr. Barbour's brothers outside Redpath's?—I have seen a car stop at the foot of the street, and I thought that it was a Mr. Barbour who got off the car.

1447. *Chairman.*] Are you sure it was Mr. Barbour?—I could not say; I am not certain.

1448. Mr. *Cooke.*] I want to know whether, when you were at Redpath's, anything took place by parties seeking to come into the house to you and the men who were inside?—There were parties there, I think, from Sunday morning until the Friday following.

1449. Outside the house?—Waiting outside the house, and stopping next door; waiting for an opportunity to get in; I was also informed that the servant girl of the house was offered——

1450. Never mind; you learnt from the servant girl something?—Yes.

1451. What day of the week was the voting in February?—I do not remember.

1452. Was it on the Saturday?—I think it was.

1453. What I want to ask you is this: were you, at any time, a voter for Mr. Barbour, and carried away against your will to Belfast?—Certainly not.

1454. Were any of the men that were with you in the house, supporters of Mr. Barbour, locked-up, and prevented from voting for him?—Certainly not.

1455. Did you offer Backas 20*l.* first?—I did not.

1456. Did he tell you that he would not take less than 30*l.*?—I never remember the words spoken.

1457. Did you offer him money of any kind for his vote?—I did not.

1458. Did you tell him that you were going on very well for Mr. Verner, and expected to win?—I do not remember that taking place; I did not know how they were going on; I knew nothing of their affairs in that way.

1459. Did you hold up both hands to him?—But one.

1460. In the way you described?—Yes; but not for the purpose of showing him any signs.

1461. Did you, after the February election, ever promise him any money for his vote?—I did not.

1462. You say that you gave him 4*l.*, with which the clothes were purchased; was that your own money which had been given you by anybody?—I gave the brother 4*l.* of my own money.

1463. I mean, had any agent or friend of Mr. Verner's, given you that 4*l.* that you should hand it to Backas?—I had that money in the house for a length of time of my own, and I put it in my pocket when leaving home, and only left a matter of ten shilliugs with my wife. I took the rest with me.

1464. Do I understand you to say that upon the night when you went with these voters from Lisburn to Belfast, you proceeded from the railway station in cars to Redpath's; is that so?—To Mr. Davis's shop.

1465. Who showed you the way to Redpath's?—There was some person escorted us; I don't remember who. We were two by two, walking.

1466. If any of the party had wished to run away, could they have done so at that time?—Certainly; there was no restraint.

1467. Did you tell Backas before the second election, that any money you had promised him would be settled afterwards?—I don't think that I could have told him so; I don't know of any money that I could give him.

1468. Did you ever tell him that any money you had promised him could not be settled on account of the petition against Mr. Barbour?—No.

1469. I understand you to deny that you ever promised him any money for his vote?—I do.

1470. Had you any authority from anybody to promise him money for his vote?—I had not.

Examined by Mr. *Rodwell.*

1471. You distinctly state that the money which you paid for the clothes was money out of your own pocket, and given on your own account?—I do.

1472. When you sent in an account or claim afterwards, was that 4*l.* included?—It was.

1473. Did you at the time you gave that 4*l.* intend to charge it?—I did. I had some notion that I might get it afterwards, and advanced it upon the chance whether I would or not.

1474. Did you expect at the time you advanced it to get it or not?—I thought that they would give it to me, but I had no promise whatever.

1475. Did

1475. Did you expect at the time you advanced it you would be repaid?—I did.

1476. By whom?—I could not say.

1477. By whom?—Not by any person in particular.

1478. But by somebody in general; name the person?—I could not name any person.

1479. You must have had something passing in your mind. Who did you expect would pay you the money?—I thought that some one that took particular interest in the election would pay it, and that by speaking to them I might get it.

1480. Who was the person that you thought you would speak to?—Not any person in particular.

1481. Do you mean that to be left so with the Committee? That you had no notion who you would apply to for the money?—I do.

1482. That you swear?—I do.

1483. And wish to be taken?—Yes.

1484. You say that you took 4*l.* with you when you left Lisburn?—No; I took more.

1485. How much did you take?—I took the 3*l.* I got from the man in the hotel, and I had, I think, some 5*l.* 13*s.* or 5*l.* 15*s.* of my own.

1486. And you left ten shillings with your wife?—Yes.

1487. Was that all the money you had in your house?—That was all.

1488. I don't wish to go into your private affairs, but was that all the money you had the command of at that time?—That was all.

1489. Do you mean this Committee to believe that you paid for those clothes, and gave the boy 10*s.*, too, out of your own pocket?—Yes.

1490. Having no more money but the 10*s.* you left with your wife?—That is all.

1491. How long did you leave your wife for?—I was away, I think, perhaps nine or ten days. I left on Thursday evening, and returned on Saturday morning week.

1492. Were your children left at home with your wife?—Yes.

1493. Do I understand you to wish to represent that you went to Belfast for protection?—Yes; and to be out of the way; not to be annoyed about my vote. I had not my mind made up at that time who I would vote for.

1494. Do you mean to represent that also to the Committee—that you went and stopped there under the circumstances you have described—for the mere purpose of getting out of the way, and of being pestered for your vote?—I had no notion of remaining when I left.

1495. Did you go for the purpose of preventing being pestered for your vote and annoyed about it?—While I was away, I stayed away for the purpose.

1496. Had you been annoyed at Lisburn?—I was.

1497. Who by? Name who annoyed you?—Well, they were calling upon me for votes and things of that kind.

1498. Do you mean that they interrupted your business?—No.

1499. Who was it annoyed you?—I remember for one thing when Mr. Verner was going about canvassing, I made out of the way.

1500. When did you make your mind that you would support Mr. Verner? At Lisburn or at Belfast?—I was first in the notion of voting for Mr. Barbour. There was one evening a number of men got together. They were called the butchers of the town. I don't know who was in it; they were called the "Butcher's Mob." They had reached the town that night, part of it; and there were two men going up the street that came into my house for fear of being beaten. They took shelter in my house, and the crowd came up, and I saw them passing, and two men forced their way into Mr. Brown's, the tailor's, right opposite my door, and had to remain there for a length of time before they dared to go out. So there were two men came into my house from the crowd, and two went into Mr. Brown's.

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1501. Did that determine you to vote?—I was not pleased at their conduct that night; and I may say that I made up my mind not to vote upon that side that night.

1502. *Chairman.*] Were those supporters Mr. Barbour's who were racking the town, as you call it?—They were the crowd that were in his favour.

1503. Mr. *Rodwell.*] Whilst you were at Redpath's, had you then made up your mind to vote for Mr. Verner?—Yes; I believe that it was there I made up my mind. I thought when I was away with the voters, being with them a length of time. In fact, I could do nothing else but vote for him; but I never was asked for my vote there. I do not remember that I was asked at any other time.

1504. You were an active partizan of Mr. Verner's, were you?—I could not say that I took any active part only what I mentioned.

1505. Do you not think it is an active part giving Backas 4*l.* out of your pocket?—I believe it is.

1506. Were you at that time owing rent for your house?—I could not tell that.

1507. Were you not then in difficulties?—No, not at that time.

1508. That you can recollect?—Well, a man with a little capital, such as I was, is, I think, generally in difficulties every day.

1509. Were you not at that time in want of money?—No, I cannot say I was.

1510. What were you earning a-week?—I believe from 2*l.* to 5*l.* a-week.

1511. How much was the railway fare that you paid?—I remember it was second class.

1512. Was it not 17*s.*?—I could not say. I remember it was second class; but what the amount was I cannot say.

1513. Now, turn to another point; when you used the fingers as described, you did not intend, in the first instance, to denote anything but money?—I did not.

1514. It was perfectly by accident that you tumbled into that performance?—It was in the way of speaking or addressing him that I put my hand up in that way. He then with his eye looked at my hand and commenced to count 1, 2, 3, 4, 5.

1515. Did you know what that meant?—I had a guess at the time, and I thought I would seize the opportunity.

1516. *Chairman.*] Had you some previous conversation about your vote, before you became so energetic that you used your fingers?—I do not remember, but it is likely I had.

1517. Mr. *Rodwell.*] That would look like "one" something?—It was done with that intention.

1518. He did not move his fingers, did he? How came your forefingers and thumb to be open?—When I saw him look so earnestly at my hands I did spread my fingers.

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1519. You very soon took the hint?—It was just a hint.

1520. Had you made up your mind how you were going to vote then?—No, I do not think I had. I had not made up my mind to vote for Mr. Verner, at the time; but I had made up my mind not to vote for Mr. Barbour.

1521. You did not say anything to Backas about voting for Mr. Barbour?—No, I did not.

1522. Your memory seems to have been remarkably good as to the names of the people to come to look at you, when you were at Redpath's. You have given seven names one after the other?—I think not. I think there were women there whose names I cannot remember.

1523. Why, I think you mentioned Young, Driver, Cully, two Mackenzie's, and Singleton?—

1524. Mr. *Cooke.*] Singleton is a man in the house?—Yes.

1525. Mr. *Rodwell.*] Does that refresh your memory at all with regard to the people who came to see you at Redpath's?—I have answered all questions in that way, and given the names. I would not want to conceal anything.

1526. At the interview you speak of with Mr. Wilson, did you tell them that you had private and valuable information?—I may have said that I could give them information.

1527. This was only a fortnight ago. Did you, or did you not, tell them you had private and valuable information?—I could not say what the words were.

1528. Never mind the precise words. Did you convey to them the belief that you had valuable information with reference to Mr. Verner's proceedings at this election; yes or no?—Do you mean to say that I called upon them?

1529. No. I do not care how you got there, or how you come together; what I ask you is, at this interview did you tell them you had very private information with regard to the election?—I may have said so, but I never intended to give it.

1530. That is not an answer to my question. Did you, or did you not, tell them what I have stated?—I may have done so.

1531. Did you not?—I cannot swear to it.

1532. Will you swear you did not?—I will not.

1533. Will you swear you did not tell them that you would give some information to them if you were well paid for it?—I believe I held that out to them.

1534. Had you private and valuable information?—The information that I had, that was valuable, I have given to-day.

1535. So that if you used the expression, that you had private and valuable information, that is what you refer to?—Yes.

1536. Did you also go further, and say they could not prove Backas' case without you?—No.

1537. What did you say about Backas' case?—I think I remember telling them that Backas' case would not be of any service to them, or it would be little worth.

1538. Well "unless;" what did you add to that?—Backas' case would be of little use to them.

1539. Did you say you could complete it?—Well, I do not know that; I may have said so.

1540. Did you not say so; it is only a fortnight ago. Upon your oath did not you tell them "Backas' case would do you no good unless I gave evidence," or words to that effect?—I swear, to the best of my knowledge, that I never made use of the words.

1541. Or to that effect?—Or to that effect, that I am aware of.

1542. I do not want about what you are aware of?—Well, I keep myself safe.

1542*. Did you go to that interview for the purpose of discussing this election?—I never went to them; they sent to me.

1543. Well, you got there; did you discuss anything else except the election when you did get there?—I do not remember anything else.

1544. Now, I caution you, there is Mr. Richardson and Mr. Wilson in the room. I distinctly put it to you, upon your oath; did you not tell them the words, or to this effect, that they could not make out Backas' case unless they had your evidence; did you not say so in the presence of these two gentlemen?—I do not remember ever making use of the words.

1545. Or to that effect?—Or to that effect.

1546. Nothing of the kind?—I may have done it, but I do not remember; I swear that.

1547. You swear you do not remember?—Making use of those words.

1548. Or words to that effect?—Or words to that effect.

1549. That you swear?—I do.

1550. You will not swear that you did not use them?—I will not.

1551. But you will swear that you do not recollect whether you did or not?—To the best of my knowledge, I do not recollect any such words.

1552. What did you say about Backas' case?—Really I do not know; I have said I thought it would be of little worth.

1553. Did you tell them that you knew all about Backas' case?—I do not know.

1554. Recollect yourself; those two gentlemen are in the room?—Anything that I know, that I can answer directly, I will do it; but anything that I am not certain of I certainly will not answer.

1555. Will you say again you do not recollect it?—I will.

1556. Did you say these words, "that there were other cases, and that you could turn Verner out of your place?"—I think not to them; I may have said it to others.

1557. Was that with reference to Backas' case?—Yes, I would say it is on Backas' case.

1558. *Chairman.*] I understand you to say that you think now you may have said that you could turn Verner out or keep him in?—I may have said it at some time.

1559. Mr. *Rodwell.*] Then was that observation made with reference to the evidence that you could give in Backas' case?—I wanted to make it appear that I had something that would be worth their knowing for the purpose of their holding out an inducement to them for bribing me.

1560. That was what your object was?—Yes.

1561. At that time you were possessed of the information which you have given to the Committee to-day?—Yes.

1562. Have you given them any information until to-day upon the subject?—Not of everything that occurred.

1563. All the questions my learned friend has asked you, you had never given any information about to Mr. Wilson or Mr. Richardson?—I never

never remember disclosing anything to them of a private nature.

1564. What you have told to-day, you consider that private information?—Yes.

1565. That was what you referred to?—Yes.

1566. By the *Committee.*] There was one question you asked that I did not catch the answer to. I understood you to say that you had said that there were other cases on which you could turn Verner out?

1567. Mr. *Rodwell.*] He said so to other people, I think?—I may have said so.

1568. By the *Committeee.*] What were those other cases?—I could not say.

1569. If you stated to them that there were other cases did you think so at that time?—I may have made use of the words.

1570. If you made use of the words, did you believe it or did you not?—I swear now there was not anything else.

1571. Then why did you make use of those words?—In conversation I made use of them.

1572. If you said that there were other cases, what did you mean by saying that?—I could not tell that I had any meaning further than this, to make them believe there was something in it to induce them to bribe me.

1573. Then, in trying to make them believe that you said that which you did not yourself believe?—I may have said it in a kind of way. I do not know that I would have said it wilfully.

1574. Mr. *Rodwell.*] Do you mean to represent that you have given to-day the whole of the information which you are in possession of?—I believe I have; anything of a private nature that would be of any use to the case on either side.

Examined by the *Committee.*

1575. Have you never had any money paid you by any person since the election, on account of the expenses to which you were put during the election?—I have not.

1576. Can you describe this house of Redpath's?—Do you mean the shape of the house.

1577. Yes; how many rooms were there in it?—There is a small room on the first floor, leading from the hall. There is a kitchen, at the back of that there is a small yard.

1578. How big was the yard?—It was a very small yard. I should say about four yards, by a yard and a quarter or a yard and a half. There was a pig kept in one corner, and that was taken off the yard; I am speaking of the part of the yard you can walk upon.

1579. Was there a wall round the yard?—There was a wall on both sides, I believe, and a small house at the end of the yard; and a dwelling-house in front.

1580. I understand you to say that you went out occasionally?—Yes; not further than a few yards from the door.

1581. These other men did not go out?—Yes; I have seen them out at the door.

1582. Out at which door?—Out in the street.

1583. I understood from you that they did not?—They did make up their minds at one time among themselves that they would not cross the front door, but on one or two occasions I have seen them standing in the door, and I remember when Mrs. Mackenzie came to see her husband that he came out and saw her in the car.

1584. You were there 10 days, were you not?—I left home on the Thursday evening. The next day I went on to Derry, returned that night, and remained from that Friday evening till the day of the polling, which I believe was the Saturday week. It was some where about eight or nine days, I believe.

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1585. Where there any men at the door of this house to prevent persons getting out?—No.

1386. You swear that?—Yes; there were men there and on the door, but one was a man for the purpose of running messages or getting anything we wanted.

1587. Do you remember the names of these men?—No, I do not know them.

1588. You never heard their names mentioned?—There is one I would know by seeing him.

1589. You never heard his name mentioned while he was there?—I have heard his Christian name mentioned.

1590. What was his Christian name?—I do not remember.

1591. How many of these men were there?—There was another man of the name of Hill.

1592. How often did you see these men?—They were sometimes up in the room where we were. Sometimes in the kitchen; and there was one man who attended to the door to let any person out or in.

1593. You had three men to wait on you?—Yes.

1594. Were they there the whole time?—No; Hill came, I think, some three or four days after I went there.

1595. Did those men take orders from you?—There was one man that went messages and anything that was wanting in the way of drink, I made it out on a slip of paper, and he took it away, and brought in what I wanted.

1596. Was that the case with the orders for dinner, too?—I had nothing to do with anything provided for eating. The man of the house provided all that.

1597. Your letters, I suppose, came all this time?—No, I believe not a letter came for me.

1598. Did any letters come for any of the men?—Yes.

1599. They got their letters regularly?—Yes.

1600. Did none of the men ever say that they wanted to go out for exercise?—I have heard them often complaining that they did not feel well on account of confining themselves to the house.

1601. Were they men that were used to outdoor labour?—I believe the greater part or all were.

1602. You lived very well while you were there?—Yes.

1603. Did they get at all ill before the 10 days were over, with want of exercise?—I was very unwell the day before I left.

1604. Did the other men seem well?—There were one or two who did not seem well.

1605. They never said they thought they ought to go out, did they?—I have heard them often say something to that effect, that if they had a walk it would be good for them, and so on; but no one of them was inclined to break the rule of not going out, as of course one going out the rest would do the same.

1606. You say the wife of one of them did come?—Yes.

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1607. She was allowed to go in?—Yes.

1608. Did any other woman come in?—My own wife.

1609. You must have been very dull there. Had you any dancing at all?—I never saw dancing.

1610. No ladies came to see you?—No; only the woman I make mention of, my own wife and another man's wife.

1611. There were 12 of you in the house?—Twelve voters, and three others not voters.

1612. Was there more than one bedroom?—Different bedrooms.

1613. How many?—There was a bedroom upstairs on the top floor, a large room with two beds in it. There were four lay in it, two in each bed. There was a little room off that with one bed, and I think two lay in that. There were also other beds on the second floor back bedroom; you passed off the landing into one room, and then into a second room, and in that room there were two beds that, I think, four lay in; there was also another bed in the first room off the landing, what you call a back drawing-room, that there was one bed in, and I and another lay in that bed.

1614. Which room did Golden sleep in?—I think it was up-stairs on the top floor.

1615. How many beds were there in that room?—Three beds; there were two rooms there, the one room off the other.

1616. You gave the order for the drink, so you know all about it. About how much order would you give for drink in the course of the day?—I could not tell that.

1617. You must recollect all about it; it is not often that you have that kind of employment?—One would perhaps ask for a glass of whiskey, a little rum, or ale, or beer, or anything in that way; or taking a little ale at dinner. I wrote down on a slip of paper what was wanting, and gave it to a man that was there for the purpose of running messages, and it was brought to me.

1618. Had you ever this sort of job before at all?—Never.

1619. Then I think you must recollect something about it; it is rather a curious sort of job. Just let us know how much drink you got in the course of the day?—I think at first there was more whiskey drank than anything else, for the first two or three days.

1620. You got tired of whiskey?—We did.

1621. What did you take to when you got tired of that?—Brandy.

1622. Did you get any wine?—Some wine.

1623. Do you not remember how many bottles of wine you ordered?—I could not tell, but I dare say there was perhaps two or three bottles of brandy in the day, and perhaps a gallon of beer, and may be, a little whisky, or a pint of whiskey, or may be a quart; and just as it was wanted, again we renewed it from time to time.

1624. When did you begin to drink the whiskey in the morning?— Some of them used to come and wake me in bed at two o'clock in the morning; they were what we called "plantmen," or countrymen who used to rise early in the morning.

1625. *Chairman.*] Were they voters?—They were.

1626. By the *Committee.*] I want first to go back again to those other cases that you said you knew all about, and that you said you told Mr. Kennedy and the other parties that you knew about; what were those other cases?—It was things in connection with what I have told now among the voters.

1627. What were they; because I do not suppose that you want to make us believe that you were telling a falsehood to these gentlemen when you said that?—I do believe if I mentioned such words, that I had no very particular reason for doing it only making them believe there was something important.

1628. Do you wish to tell us that you were telling them a lie when you talked about other cases?—I believe it would very near amount to that.

1629. That is what you mean; that you told a lie when you said other cases?—Well, I can't call it a lie; I can't give it that name.

1630. If it was not true, what was it, if it was not a lie?—I believe that there are things which I have told here to-day that I think they did not know.

1631. I ask you if you said to them that there were other cases, and in your own mind you knew there were no other cases; how do you mean to say that was not a lie?—There were words that might arise out of what I said to-day, that I think they were not in possession of till the present time.

1632. *Chairman.*] Was the election of February the first election at which you had ever voted?—The first.

1633. You have stated here that you received 3 *l.* in the Hertford Arms to go and fetch Backas; was that the previous evening to the day upon which you went with eight or nine others to Redpath's house in Belfast?—It was that evening that I went.

1634. The same evening?—The same evening.

1635. When you went to Backas's, at Londonderry, did you say to him that you had come about his vote, and if he would go up to Belfast with you, he could walk about, and do as he liked, and amuse himself?—Yes, I may have said that.

1636. When he was in Belfast, did he ever walk about or leave the house?—I have seen him at the front door.

1637. Did he ever leave the house and walk about the streets of Belfast out of sight of Redpath's house?—I think he did not, not to my knowledge.

1638. You have also stated here that you received the 3 *l.* in the corner of a room in Redpath's house, from some one whom you did not know?—I never stated that; if I did, it is a mistake.

Mr. *Rodwell.*] You will find that he has stated both.

1639–40. *Chairman.*] One of the statements is a mistake?—I do not remember answering the question that way.

1641–42. Mr. *Rodwell.*] It was distinctly stated so?—If I did say so it was a mistake. I positively swear that it was at the Hertford Arms that I got the money.

Mr. *Cooke.*] It is possible, if the questions are looked at, as to where this money was given him, it will be explained. I think he mentioned a man named Wilson, at Lisburn. Then he was asked about it, and he certainly led me to believe it was at Belfast, and in that room.

Witness.]

Witness.] If I said so, it certainly must be a mistake, I got it at Lisburn; I must have answered the question wrong, or it was put to me in a way that I did not understand.

1643. *Chairman.*] Was Backas the only person who went with you from Londonderry to Belfast?—The only person.

1644. I understand you to say that you cannot at all recollect the railway fare for you and Backas?—I do not remember the amount, but I remember that it was second class.

1645. When did you give the 4*l.* for Backas's clothes when you were in Backas's house; was it before he had gone out to get them, or afterwards?—I believe that it was after he got them.

1646. To whom did you give the 4*l.*?—To his brother.

1647. Where were you when you gave his brother that 4*l.*?—As well as I can remember, it was in the back room. Backas occupied two rooms on the top floor of the house; one was a front room and the other a back room. As well as I can remember, it was in the back room.

1648. When you saw Mr. Kennedy, who had previously lived at Lisburn, and had been an umbrella maker, in the street at Belfast opposite Redpath's house, why did you tell him that you should not give him any answer as to whether Backas was in the house or not?—I was informed that Mr. Kennedy was offered 50*l.* to go and bring him back, and that he had been in Derry the day previously looking for him; and this was on his return from Derry that he was making search for him in Belfast.

1649. Who told you that?—I could not say; I heard a report. Some of the men that were running on messages, passing backwards and forwards, might have brought in that report; I could not say from whom; I believe at that time Kennedy was on the look out for him. He told me afterwards that was his business at that time.

1650. When you were elected chairman of the party to give orders for drink, how did you know that the master of the house would not hold you responsible for the amount of the drink?—I did not know that at all.

1651. Therefore, at that time, the impression upon your mind was that you might be charged for all that amount of liquor, whatever it might be?—I daresay the law would hold me accountable for it.

1652. But how did you in your mind hold yourself at that moment?—I had a notion that I was not to pay for it.

1653. Who was to pay for it, in your opinion?—I could not say.

1654. Did the master of the house, or the person who took your orders for drink, say anything to you upon the subject of the drink?

Mr. *Cooke.*] Will you allow me to make a suggestion? This was an unlicensed house, and they were obliged to send out for the drink.

1655. *Chairman.*] I want to know when you gave these orders to the person who received them, did he say anything to you about "Who am I to say is to pay for it," or "Who is responsible for it?"—No, I never remember anything of the kind.

1656 He never made the slightest difficulty?—No, I never remember anything of the kind.

1657. Where did you get the 5*l.* that you paid to Backas five days after the voting?—I got it from Mr. Herman; I think it is John Herman.

1658. Who is Mr. Herman?—He is a man that keeps a grocer's shop in Lisburn.

1659. Is Mr. Herman a voter?—I would say so.

1660. Do you know whether he is?—I do not; I think, by the size of his house and the business he carries on, he is a voter.

1661. Was he a very active supporter of Mr. Verner's?—No, I never knew him to interfere in that way.

1662. If you had been asked, how do you suppose Mr. Herman would have voted?—I should think he might vote for Mr. Verner; I may have thought that since. But he was a man I did not know, only by seeing him once previous to the election.

1663. What did Mr. Herman say to you when he gave you the 5*l.* note for Backas?—The words, as well as I can recollect, were, "It will be well to get Backas out of town, or to send him home;" or something to that effect.

1664. Now, just recollect, was that all the conversation that took place?—I think he mentioned that Backas was raising bad reports in the town that he could not get as much money as would take him home, after coming and losing so much time and giving his vote; I think that passed between us.

1665. No more than that?—Not that I remember.

1666. Did you express any surprise that Mr. Herman should take any interest in Backas, whether he remained in Lisburn or left it?—No, I do not remember doing so.

1667. Did you see Backas about his vote on the occasion of the second election, in June?—I did.

1668. Did you go and call upon him at Londonderry?—I did.

1669. Who suggested to you that you should go and call upon him in Londonderry?—A young man of the name of Dawson.

1670. Who is Dawson?—I have heard that his sister is married to a Mr. Knox.

1671. Where does he live?—I do not know, somewhere in the neighbourhood, but in what house I do not know.

1672. Was this the first time that you had ever seen Mr. Dawson?—No; I think I have seen him on the evening in the Hertford Arms.

1673. Upon that evening you refer to?—Yes.

1674. He was there?—I think he was there at that time.

1675. Were you at all unwilling, considering what had previously happened, to go and see Backas again at Londonderry?—No, I was not; I thought it would be a little "outing" for me.

1676. Did you receive any money upon that occasion?—I received 6*l.* from Dawson, the loan of it. I said I had no money, and that I would have to get some before I could go: and he gave me 6*l.*

1677. Who gave you this?—Dawson; and after I had returned I gave him back 4*l.*, and I said, "I will be indebted to you the other 2*l.*

1678. Then, upon that occasion you did not stay in Belfast; you went straight to Londonderry, and returned?—I left Lisburn by the train, and took a ticket on to Portadown, and then from Portadown on to Londonderry.

1679. When you returned to him, did you mention that you had not succeeded in getting

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Backas on this occasion?—I remember one person speaking to me about it.

1680. Who was that?—Mr. Richardson of Glenmore. I remember his passing me, and asking me what about Backas. I said that I had been to Londonderry for him, and he would not come without money, in the shape of a bribe, and that I thought he was kept up by the opposite party; and he would be likely to get a bribe for the purpose of giving evidence. That was the conclusion I came to.

1681. You thought that you had better leave him alone?—I asked him to come, but he did not say much more to me.

1682. To whom did you first of all report your inability to procure Backas's vote, when you returned from Londonderry?—I believe that the only person was writing a letter home to my wife that I had seen Backas, and had brought him with me.

1683. Now, I am speaking of the June election. When you returned from Lisburn to Londonderry, did Mr. Dawson desire you to tell him whether you had got Backas or not?—No.

1684. Then to whom were you to report whether Backas was coming or not, or what had been done?—I do not remember who I told that to; I may have named it to Mr. Bullick, next door but one to me, as he was a neighbour, and took a part in the election.

1685. That was Moses Bullick?—Yes.

1686. Were you not ordered to give an account of Backas to somebody, whether he was coming or not?—I was not.

1687. When you received the 6 *l.* from Mr. Dawson, no arrangement of that sort was made?—There was not.

1688. When you returned the 4 *l.* to Mr. Dawson, did you say, "I cannot succeed in getting Backas"?—There might have been some words passed to that effect. I would rather think that Mr. Dawson most likely heard before I came. I cannot remember any words to that effect.

1689. Where did you receive the 6 *l.* from Mr. Dawson?—I remember that I was in Mr. Attorney Warwick's office. I think I was walking about at the time; I had not a boot on at the time (my usual way of walking), and I saw young Mr. Dawson there. He and I had some talk together about going for Backas. I told him that I had no money to go.

1690. Did you propose to him that you should go to Backas, or did he propose it to you?—I could not say that.

1691. Then he gave the 6 *l.*, of which you have spoken?—Yes.

1692. Did you see Backas in Lisburn at the time of the June election?—I think I did.

1693. Did you say anything to him?—I think I remember speaking to him.

1694. What did you say?—I could not say.

1695. Where did you see him?—I think it was somewhere in the street where I live. Whether it was at my own door or a little way off, I cannot say, but I think it was in that street as well as I remember.

1696. Was he alone or in company with anyone?—I think Mr. Kennedy was with him; his old master.

1697. The Mr. Kennedy to whom you declined to give an answer; the same Mr. Kennedy who lived at Lisburn?—Yes.

1698. Did Backas say anything to you about having voted?—I do not remember that he did, but I remember Mr. Kennedy speaking to me on two occasions, one before the election and the other I think the day after.

1699. What did he say?—The first thing was he asked me, did I want Backas this time, and would there be anything going. I said, I thought not, they had plenty of voters for the election as they would have a majority, and they were in no way very much caring for voters. He said he had never seen such an election as this, for they did not care about a vote on either side. The second time I saw him, Mr. Kennedy told me that he considered Backas was the paid man of the lot, that at the first election he had got a suit of clothes and 5 *l.*, and at this last one he had got 10 *l.* for his vote.

1700. Did he say anything else?—I do not remember anything else in particular. There might be some common conversation between us.

1701. What time of the day was it that you were at the Hertford Arms. Was it evening or morning?—Do you mean was it previous to the first election when I left that evening to go to Belfast.

1702. Yes?—I think it might have been about seven o'clock, or between seven and eight.

1703. The room was lighted?—There was a light in the upper part of the room; I could not tell what kind of a light it was. There was a row of men standing on their feet; and there was just a sort of passage from the door to the back part, that was the only part I was in; I was not forward at the other part of the room at all.

1704. You have said that when you entered the room a man took hold of your arm, and took you up to the corner of the room, and then told you, you were the right man to get Backas, and there was 3 *l.* for you. Was that so?—He mentioned for me to see about Backas, I cannot positively swear to the words.

1705. Did you see that man's face?—I do not remember taking particular notice of his face.

1706. Do you think you saw it or not?—It is likely I did, but at the time there was not much light in the room, because of the crowd across it which shaded the light off.

1707. You took no means to ascertain who this man was, from whom you received these instructions?—I took every means afterwards, for this reason, to get the money back which I had advanced; that I could not find out.

1708. When you applied to Mr. Jefferson and Mr. Samuel Young, they both of them denied that they were the man who at all events assisted you to go?—I do not remember getting any answer from Mr. Young; I do not think I ever put the question to him whether it was him or not, but I did apply to him to see if he could give it to me, or if he could get it to me, or if he could lend me such and such an amount that I was wanting at that time, and that if I did not get some to meet a bill that was coming against me, it would be put into law, and I would be exposed.

1709. On one occasion you asked Mr. Redmond Jefferson if he was the man. What did he say; did he say he knew anything about it?—He said he knew nothing about it.

1710. What made you think it was Mr. Redmond Jefferson?—I have asked every person that I have seen taking an active part in the election, or who had the name of taking an active part in it. I have seen several about it, and have sent word,

word, or spoken or written to them, to try and get back what money I had advanced.

1711. What made you, getting no answer from Mr. Redmond Jefferson, still remain in the same mind, that you wrote to him subsequently for the money; you did write to him?—Yes.

1712. What made you write to him?—Not to him more than to any other; I wrote to others.

1713. Was it previous to applying to them personally that you wrote?—Yes.

1714. Then you wrote to every one who took any active part in the election?—I will not say every one.

1715. Nearly every one?—Mr. Richardson took an active part, and I did not apply to him.

1716. Did you apply to Mr. Graham?—I do not remember doing so.

1717. You applied to Moses Bullick?—Yes.

1718. And to Alexander M'Cann as well?—Yes.

1719. Who else?—Samuel Young, Redmond Jefferson; and I cannot remember whether I did apply to Mr. Beattie or not.

1720. Are you sure that you did not apply to him?—I could not say.

1721. Did you apply to Mr. Pelan?—I do not remember ever doing so.

1722. By the *Committee.*] Did I understand you to say that before the June election you received 6*l.* to assist you in obtaining Backas's vote?—To go for him.

1723. That was before the June election?—That was, perhaps, a week previous to the last election.

1724. Did you go and endeavour to get his vote?—I did endeavour to bring him with me.

1725. Did he vote for Mr. Verner?—He did not.

1726. Who did he vote for?—For Mr. Richardson, I have heard.

1727. Who was it told you that Backas had done better at the June election than at the February election; that he had received 10*l.*?—Mr. Kennedy.

1728. Is that the umbrella-maker, or the lawyer?—The umbrella-maker; he was Backas's master; he served his time with him.

1729. Did Mr. Kennedy tell you that he had been the means of Backas's receiving that 10*l.*?—No, he did not; but it came to me in the way of knowing of any money going on Verner's side.

1730. Did he tell you how he came to know that Backas had received that 10*l.*?—I do not think that he came to me for any particular purpose.

1731. When he told you that Backas had done better at the June election than at the February election, that he had received 10*l.*, did he say how he came to know that Backas received 10*l.*?—I think there is some misunderstanding about the June election and the February election. I did not mean to say that I think the words to him were that he did not know any person had done so well as Backas, but that he had got so much for the February election, and so much for the June election.

1732. Did he tell you why he said that Backas had done better than anybody else?—He did not say why.

1733. That was only in conversation?—In conversation.

1734. He did not say he had given him that 10*l.*?—He did not.

1735. He did not say that he knew who had?—He did not.

1736. He in no way told you how he came to know, or what induced him to tell you, that Backas had done better at that election than before?—I do not know what his intention was; he did not tell me.

1737. He did not tell you how he came to know that?—He did not.

1738. Or why he made the observation to you?—He did not; it was merely in private common conversation.

1739. Do you remember in what words he told you that Backas had done better; how did the conversation arise?—I could not say. I believe this was on the day of the polling at the second election, and at that time there was little else talked of but election affairs by nearly every person.

1740. Will you repeat again what he said; Kennedy said something to you respecting Backas?—That he did not know any person who had done better than Backas, or that had received so much from me for the first election; and that he had received 10*l.* for the last.

1741. Did he tell you how he came to know that Backas had received that 10*l.* for the last election?—He did not.

1742. Do you know from Backas or anybody else that he did receive 10*l.*?—I do not; I have heard others say that he acknowledged it to them.

1743. Did he vote for Mr. Richardson?—I believe he did.

1744. Did he refuse to vote for Mr. Verner?—He refused to come with me at that time.

1745. Did he give a reason why?—I think what he said about it was that he had been badly treated when he had gone to the other election—the first election.

1746. Did he say anything more?—He may have said something, but nothing particular.

1747. Did he tell you who he intended to vote for?—No, I do not think he did. In fact, I do not think it was known at that time who was coming forward as a candidate on the other side.

1748. He refused to follow your lead?—Yes.

1749. Do you know who this Mr. Kennedy, who talked about Backas having done so well, voted for at the June election?—I do not think he had a vote at all. He is living in Belfast, and has left Lisburn. This man Backas continued in his house.

1750. Did Kennedy express himself to you as being strongly on the one side or the other?—I think, by his conversations to me, that the first time I saw him he merely came up from Belfast to see what way he could make money for his friend.

1751. For Backas?—Yes.

1752. With regard to this 3*l.* at the Hertford Arms, and the person who gave it to you: did you ever see him before?—I do not remember what he was like, who he was, nor did I take particular notice of him.

1753. Will you swear you never saw him before?—I would swear that if I saw him now I would not know him.

1754. Will you swear you did not know him before?—That would be a very hard thing for a man to do.

1755. Would you swear that you never talked to him before?—Not to my knowledge.

1756. Will you swear that you never talked to

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to him before?—I will not; I could not do that. I might speak to you here, and if I met you again I might not know you to be the same person.

1757. Was he a tall man or a short man?—He was middle-sized.

1758. You told us before that you did not make up your mind to vote for Mr. Verner till you had been to Belfast; how long had you been at Belfast when you made up your mind?—I was there some time, and had the name of being away with Mr. Verner's voters. I thought then I would have to vote for him.

1759. You wish us to understand, as you have told us on oath, that you took all this trouble to get Backas to go and get his clothes, and so forth, and all that time you had not let Mr. Verner or his friends know that you meant to vote for him; you having before that taken all these pains to get Backas to go?—I do believe that I was picked upon to go for Backas merely to get me out of the road; and when I was away for Backas, the report was that I was away with Mr. Verner's voters, and then stopping at Belfast a day or two. I thought I would be as well there as returning.

1760. Will you swear you did not let Verner or his friends know before you went to Belfast you intended to vote for him?—I believe I did not.

1761. Will you swear you did not?—I never remember letting them know so.

1762. You will not swear about it at all, whether you did let them know or did not?—I cannot swear positively. To the best of my knowledge, I did not.

1763. You have told us you told a lie in the first instance?—No, I did not say a lie. I say I could not give it that name.

1764. I understood that to be your answer. Do you believe that all lies are fair in election matters?—I believe it is not right to tell a lie at any time.

1765. You do not believe it is improper to tell lies in election matters?—It is improper. I think it is wrong to tell a lie at any time. I confine myself to the truth as much as possible; at times I might tell a lie.

1766. *Chairman.*] You must excuse my asking you, because I wish to be very clear on this point. Will you swear that the letter which Backas wrote to you, and which was produced here, is the whole of that letter?—I never remember tearing any of it; if I did it any time, I did it for a purpose, in the way of hindering them getting information that was in that letter. When I looked among my papers I got that letter, just as I brought it into court.

1767. Will you swear that you never at any time before you looked among those letters, at any time after receiving it, tore off the part of that letter?—Never for one purpose.

1768. Will you swear you never tore off any portion of that letter?—I cannot do that.

1769. Will you swear that you only received one letter between the month of February and June from Backas?—That is all I remember.

1770. Will you swear that you only received one letter during that time?—I will not.

1771. Did you ever say to Backas, when you went for him in June, that he should be settled with for all after the next election was over?—I do not remember making use of the words.

1772. Will you swear that you did not use those words?—I will not.

The *Chairman* stated that the Committee were desirous that the Witness should not leave London until the close of the inquiry.

Mr. *Rodwell* stated that the petitioner would use his best endeavours to detain him; but the Witness being more in the hands of the other side, the observation would be more directed to them.

Mr. *Bourke* stated that they had no control over the Witness.

Witness.] I wish to ask one question. If I leave my address, may I move about so as not to be confined in the lobby from day to day?

Chairman.] We can give no opinion about that.

Witness.] I am stopping convenient to this place, and I can give my address.

1773. Mr. *Rodwell.*] I believe when you got to the station you would not come with the gentleman who offered to provide you with lodgings in London?—That never was put to me. I never was told there was lodgings for me, or asked to go. I went with my own friends, undoubtedly the most respectable part of the company.

[The Witness withdrew.

JOSEPH BALMER, having been called in, was sworn; and Examined by Mr. *Rodwell* as follows.

J. Balmer.

1774. WHERE do you live?—At Lisburn.

1775. At the Lisburn election of February, did you vote for Mr. Barbour?—Yes.

1776. And in June (we may as well have that) you voted for Mr. Richardson?—Yes.

1777. Did you know anyone in Lisburn by the name of Henry Dickey?—Yes.

1778. He is a butcher, I believe?—Yes.

1779. And an elector?—I believe so.

1780. Before the February election, do you recollect his coming to you?—Yes.

1781. What did he come to you about?—About the election.

1782. What did he say to you?—He asked me if I was promised or pledged to anybody; I told him not.

1783. What did you say?—I told him not.

1784. What did he say next?—He said he wished to be my friend; if I voted for Mr. Verner, he had 20 pounds or 20 sovereigns for me.

1785. If you voted for Mr. Verner he had 20 sovereigns for you?—Yes.

1786. Did he say anything about where the 20 pounds was to come from?—He said he had it in his power to give it to me.

1787. What answer did you make to him?—I agreed to vote for him.

1788. You are a married man, Mr. Balmer?—Yes.

1789. Was your wife present, or not, at this time?—Well, I cannot say; I don't remember.

1790. You don't remember?—No.

1791. *Chairman.*] Where did this take place; in your own house?—In my own house.

1792. Mr. *Rodwell.*] He called on you?—Yes.

1793. A few

1793. A few evenings after did you see Dickey again?—Yes.

1794. Where?—In my own house.

1795. Who was with him?—I don't remember any one.

1796. Was Mrs. Balmer with him?—Well, I don't remember; she might be part of the time.

1797. When you saw him on this second occasion, what passed then about the vote?—I believe on the second occasion I told him I had changed my mind, I believe that, to the best of my knowledge and recollection, is the word I told him.

1798. What did he say; he called you names, did he not?—He chastised me, and said if I would vote for Verner at that time, he would give me more money; he would give me 30 *l.*

1799. That was not chastising you; he said he would give you 30 *l.*?—Yes.

1800. What did you say then to him?—I believe I consented to vote for him again.

1801. You mean to say you said you would?—I believe so.

1802. Now, was your wife present at the time?—I don't recollect, I cannot say.

1803. Do you recollect your wife being present at one time on this second occasion?—To the best of my opinion she was at part of it; I cannot say; she was to the best of my knowledge.

1804. Do you recollect his saying anything to your wife in your presence?

Mr. *Cooke.*] He says he does not remember his wife being present.

1805. Mr. *Rodwell.*] At part of the interview she was; I understand you to say so?—I can't recollect, sir.

1806. Do you recollect Dickey going out of the room, or out of your house, with your wife?

Mr. *Cooke.*] He does not recollect the wife being there.

1807. Mr. *Rodwell.*] I ask, do you recollect his going out of the house; I will put it in another form. Do you recollect your wife leaving the house with Dickey, or shortly after him, on the occasion of the second interview?—I believe shortly after him.

1808. If your wife was not present at the interview; don't tell me what; did you say something to your wife when she came, after Dickey was gone?—After he was gone? I don't recollect. Either Dickey or I said something; I don't recollect whether Dickey bid her go down to his house or whether I myself did; I don't recollect.

1809. You don't recollect whether Dickey said something to her, or you said something to your wife after Dickey left, but do you recollect Dickey leaving the house and your wife leaving soon after, or leaving with Dickey?—Soon after.

1810. Do you recollect your wife coming back?—Yes.

1811. Don't tell us what she said to you; but did she say anything at that time?—She did not.

1812. Do you know Mr. Samuel Young?—Yes.

1813. How soon after the second interview with Dickey did you, if at all, see Mr. Samuel Young on the subject of voting?—I don't recollect how soon after. It was some time shortly after that.

1814. What do you mean by shortly after?—It might not be the same night or the same day. It might be a day or two.

1815. Where did you see Mr. Samuel Young. In your own house; did he come to your own house?—Yes.

1816. Was any one present at the time of his coming?—My wife might be present at part of the time; I don't recollect.

1817. Tell me what Mr. Young said, if he said anything, about your vote; Mr. Samuel Young, what did he say?—He said much the same as Dickey.

1818. We have not heard what Dickey said. You must tell us the words he said?—He said he would give me 10 *l.* in hand, and 20 *l.* more after the election was over.

1819. What for?—For voting for Mr. Verner.

Chairman.] He would give him 10 *l.* in hand and would give him 20 *l.* more when the election was over?

1820. Mr. *Rodwell.*] Twenty pounds more when the election was over if you would vote for Verner; what answer did you make to that proposal?—I consented to vote for him.

1821. You consented to vote for him?—Yes.

1822. Do you know a person of the name of Redmond Jefferson?—Yes.

1823. Do you recollect his coming to your house with Samuel Young, or meeting Samuel Young and Jefferson in Lisburn?—Yes.

1824. How soon after?—I cannot say how soon after.

1825. *Chairman.*] Mr. Young said, "I will give you 10 *l.* in hand and 20 *l.* after the election is over," if I would vote for Verner, and I consented to do so?—Yes.

1826. Mr. *Rodwell.*] I think you told me that you knew Jefferson. Did Redmond Jefferson and Samuel Young come to your house soon after you had this conversation about 10 *l.* or 20 *l.* with Young?—Yes, shortly after.

1827. Do you mean a night or two after?—I rather think it was a night or two after.

1828. Did they come together: Samuel Young and Redmond Jefferson. Where were you; what part of the house?—In the kitchen, to the best of my knowledge, at the time.

1829. Did either of them then say anything to you with reference to money?—Yes; Mr. Young talked it over.

1830. That is just what we want to know, what they did talk over; we do not know anything about it. If either of them said anything, what did they say?—To the best of my knowledge, Mr. Young did.

1831. What did he say?—He said, was I all right; was I all firm; did I intend to vote for Mr. Verner?

1832. Well?—I said I was.

1833. Well, go on?—When he was about to leave the house, I said, "Was there not something to be given in hand."

1834. *Chairman.*] To whom did you say that?—To Mr. Young.

1835. Mr. *Rodwell.*] Was Redmond Jefferson with him then?—Yes.

1836. If you can, tell us the exact words that you said?—I said "Was there not something to be given in hand."

1837. What did you refer to then?—To the promises he had made—to the 10 *l.*

1838. What answer did he make; he or Mr. Young?—To the best of my recollection it was Mr. Jefferson said, "Perhaps the mistress may get a present to-night."

1839. "Perhaps the mistress may get a present to-night."

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to-night." That is, that your wife might get a present that night?—Yes.

1840. Go on. Was anything more said about promises?—I do not recollect anything there at that time.

1841. What did they do? Did they go away after that; did they go away?—Yes.

1842. After they were gone, did you see Dickey again?—I do not recollect whether it was the same night or the next night.

1843. That night or the next night did Dickey come to your house?—To the best of my belief and recollection, it was either that or the next night.

1844. Where were you then?—In the kitchen.

1845. Was the mistress with you then?—She was.

1846. What did he say or do when he came into the kitchen; Dickey?—He took her back a little.

1847. Your wife?—Yes, from where she was sitting.

1848. Yes?—And told her there was something he was going to lend.

1849. Was it a sum of money he was going to lend her?—Yes.

1850. *Chairman.*] Did you hear him say that?—I did, sir.

1851. There was some money he was going to lend her?—Yes; perhaps I might need it in Belfast to-morrow.

1852. Mr. *Rodwell.*] He said, "perhaps you might want it in Belfast to-morrow?"—Yes.

1853. Did Dickey go away then?—Yes.

1854. Did your wife go with him?—No, sir.

1855. Did you see any money pass; did you?—I did not see any, sir.

1856. Did you see any money pass?—I did not. I just heard the words spoken.

1857. I ask you distinctly, did you see any money pass?—I can't say I see any money; I did not see the money.

1858. After he was gone, that same evening, did Young come again to you?—Well, I cannot recollect whether it was the same evening or night; but to the best of my recollection it was.

1859. To the best of your belief it was the same evening?—Yes.

1860. Did Young come to say anything to your wife in your presence?—I do not remember whether we were both together, or whether it was said to both or only to one.

1861. But what did Young come in and say?—He asked; I cannot remember whether we were both present or not.

1862. Did you hear him say anything?—Yes.

1863. What did you hear him say; whether your wife was present or not?—He asked me whether Dickey was in, or did he leave in anything.

1864. Who asked that?—Mr. Young asked that. He asked, "was Mr. Dickey in, or whether he gave anything or left anything."

1865. Did he give or leave anything?—Yes.

1866. What did you say?—I told him that Dickey was in, and gave what was promised.

1867. You said that he had been in?

Chairman.] He means that he had come to his house and given what was promised.

1868. Mr. *Rodwell.*] Did you hear him say anything to your wife, or did you hear your wife say anything to Young?—I do not remember hearing anything, only that Mr. Young said it was all right.

1869. Who said that?—Mr. Young.

1870. To whom?—To the best of my knowledge, to my wife. To the best of my knowledge, we were both there at the time.

1871. Did you see anything of Dickey or Redmond Jefferson, or Young again, till after the election?—I do not remember seeing anything of them after.

1872. Which of you was it, you or your wife, said that Dickey had left what was promised?—Well, I do not remember whether we were both in the place or not.

1873. Who said that?—To the best of my knowledge, we were both there.

1874. That is not an answer to my question; which of you said to Mr. Young that Dickey had left what was promised?—To the best of my knowledge it was my wife.

1875. I have got your answer down, that you said to Mr. Young that he had?—Yes.

1876. And then Mr. Young said it was all right?—Yes.

1877. Mr. *Rodwell.*] At all events in Young's presence, whichever it was said that, you or your wife, it was said to Young?—Yes.

1878. *Chairman.*] Then did Young say it was all right?—Yes.

1879. Mr. *Rodwell.*] Can you tell me how many days or evenings this was before the February election took place?—To the best of my recollection it was three days or four; either three or four.

1880. Before the election?—Either three or four.

1881. You voted for Barbour?—Yes.

1882. After the election, on the evening of the very day, did Dickey come to your house again?

1883. Where were you?—I was in the shop.

1884. Where was your wife at that time?—To the best of my opinion she was in the kitchen.

1885. Does the kitchen join the shop?—Yes.

1886. Did Dickey come in?—He went into the kitchen.

1887. Now, did you hear Dickey say anything to your wife, or did your wife say anything to Dickey then?—I did not, at that time.

1888. Did you follow Dickey into the kitchen?—Not for some time.

1889. I say "follow," did you go afterwards into the kitchen when Dickey was there?—My wife came to me first.

1890. We need not know what took place between you and your wife in Dickey's absence; but you say your wife told you something?—Yes.

1891. Did you go into the kitchen?—I gave her the money to give to Dickey.

1892. Did you give your wife something?—Yes.

1893. What did you give your wife?—10*l.*

1894. After you had given your wife 10*l.*, did you go with your wife into the kitchen?—Shortly after.

1895. When you had got into the kitchen did you see your wife do anything with the 10*l.*?—Henry Dickey had it in his hands, and was counting the notes.

1896. It was in notes, was it?—Yes, to the best of my knowledge; 5*l.* in one note, and five one-pound notes.

1897. You saw Dickey counting the money?

1898. What did you say to Dickey?—I apologised for breaking my word, and not voting for Mr. Verner.

1899. What

1899. What became of the 10*l.*?—He put it into his pocket.

1900. Now, from whom had you received those identical notes? Had you received from anyone before that 10*l.* that you gave to your wife, and that you say you saw Dickey counting; had you, at any time, received those notes from anyone? —The same notes?

1901. Yes?—Well, I cannot say.

1902. Had you received 10*l.* shortly before? —I got 10*l.* in a drawer that I knew nothing of till after she got it from Dickey.

1903. I am obliged to go by stages. Why did you give this 10*l.* back to your wife?—She came to the shop and told me——

1904. I must not have that; the Chairman would not allow it, and my learned friend would not permit you to tell what your wife told you. But you gave 10*l.* to your wife?—Yes, sir; it was 10*l.* that Mr. Dickey had given; it was to pay back the 10*l.* Mr. Dickey had given.

1905. Why did you pay back the 10*l.*?—On account of not voting for Mr. Verner.

Cross-examined by Mr. *Cooke.*

1906. Tell me where you got this 10*l.* from, and tell me truly now; was this 10*l.* paid, and out of what it was they had to be paid?—How it was they had to be paid?

1907. You know very well what I mean; I will very soon tell you what I am alluding to. Were these 10*l.* paid to you with a number of other notes?—They were not.

1908. Were not these 10*l.* part of a large sum of money that you had received two or three days before; come, bring it out.—I had part of those 10*l.* in the house when Mr. Dickey came for it.

1909. And I have no doubt a great many more. How many notes had you in the drawer when you took this 10*l.* out of the drawer?—I had not 10*l.* in the drawer.

1910. How much money had you in the place when you took this 10*l.* out. You know what I am going into; you had better let it out at once; it will save a great deal of trouble?—I had not 10*l.* in the house at the time.

1911. At what time?—Not at the time when Mr. Dickey came back for it.

1912. You had not 10*l.* in the house when Dickey came back?—No.

1913. I thought you told me you had 10*l.* in the house, and took it from the drawers?—I had only part of it in the drawers; I had to send out to a neighbour to borrow it.

1914. You had to send to a neighbour to borrow. How much had you in the drawer of the 10*l.*?—I cannot recollect; to the best of my knowledge only 3*l.* or 4*l.*

1915. You have told us that one was a 5*l.* note, and that the others were five 1*l.* notes; what did you send to borrow from the neighbour? —To the best of my opinion I had to borrow 8*l.*

1916. You had to borrow 8*l.* from a neighbour?—To the best of my opinion that was it.

1917. £.8 from a neighbour?—Yes.

1918. Did you send to borrow from the neighbour after your wife came to where you were and spoke to you?—Yes.

1919. Did you go out at the time to borrow it?—I sent out one of the children.

1920. What was the neighbour's name?—Sam M'Connell.

1921. What is he?—He keeps a shop; a shuttle manufacturer.

1922. How many doors off is that?—It is across the street.

1923. Was he one of Mr. Burton's supporters? —Yes.

1924. You had only two notes in the house then?—To the best of my knowledge only two; to the best of my recollection.

1925. Did you pay Sam M'Connell back the 8*l.*?—Sam M'Connell! I did not.

1926. You never have paid him back?—No.

1927. Did you ever receive from him a larger sum of money, in addition to this 8*l.*?—I did.

1928. Was it 37*l.*, or 38*l.*, or 40*l.*?—Yes; I got what made up 40*l.*

1929. For your voting for Barbour?—Yes.

1930. Had you been away from Lisburn three days before the polling, at the Maze Race-ground?—I had not.

1931. Did you not go to a place called Bradley's?—I did not.

1932. You voted at the second election for Mr. Richardson?—Yes.

1933. Did you get another 40*l.* for that?— Not so much.

1934. How much was it?—Nothing.

1935. Come now, how much are you to have? —Nothing.

1936. Were you not promised 20*l.*?—No.

1937. Did you not refuse 20*l.*?—I did not.

1938–9. Had they paid the 40*l.* before you voted last time, or is it since. Have you been paid the money, the rest of the money that made up the 40*l.*, since you voted for Richardson?— No, before.

1940. You have told us that you repaid your wife 10*l.* Had she given you any money on the day that Dickey was there? You say you heard Dickey say something, "Here is some money; you perhaps may want it at Belfast to-morrow." Did she give you any money on that day?—She did not give it to me; she went out of the shop.

1941. Did you get any portion of any money from your wife the day after Dickey called?— I did not.

1942. Was M'Connell the man that bargained for your vote for Barbour; or who was it that arranged with you to vote for Barbour for 40*l.* Come now, you cannot have forgotten that, you know?—He might have had something to say on it.

1943. You have been telling us all about Mr. Redmond Jefferson, and Mr. Young, and Mr. Dickey. Tell us who were the persons that induced you for 40*l.* to break your promise, for which you afterwards apologised?—The persons who induced me?

1944. The 40*l.* induced you, of course. But who were the individuals that bargained with you for that sum?—Mr. Gwynne.

1945. What is he?—He is in Mr. Barbour's employment.

1946. Was it the day after you saw Dickey, or how long before the election was it, that Gwynne settled with you for the 40*l.*?—Some time after I saw Dickey.

1947. By the *Committee.*] When did you receive the balance of the 30*l.* odd?—To the best of my recollection it was the Monday after the day of polling.

1948. Leave off altogether "To the best of your recollection," and tell me when?—On the Monday after the polling.

1949. Monday

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1949. Monday after which polling?—The Monday after the February polling.

1950. What day was the February polling on?—On Saturday.

1951. Do you mean to say that it was on the following Monday you received the balance of 30*l.*?—Yes.

1952. You are quite sure of that?—Yes.

1953. Did your wife ever give you any money?—My wife?

1954. Your wife?—She did not.

1955. Never?—No; not the money she got.

[The Witness withdrew.

ELIZA BALMER, having been called, was sworn, and Examined by Mr. *Rodwell.*

Eliza Balmer.

1956. YOU are the wife of Joseph Balmer, who has just left the room?—Yes.

1957. You recollect the Lisburn February election?—Yes.

1958. Do you know a person of the name of Dickey?—Yes.

1959. Do you recollect his coming to your husband on one occasion before the election?—Yes.

Chairman.] I beg your pardon; I understand this witness has been sworn with her glove on.

Mr. *Rodwell.*] Oh, that is of no consequence. That point has been ruled by Mr. Baron Bramwell.

Chairman.] The witness had better be re-sworn.

[The witness was then required to take her glove off her right hand, when she was again sworn. The examination was then resumed.]

1960. *Chairman.*] What is your husband?—My husband is a small grocer.

1961. Mr. *Rodwell.*] A small grocer; does he not keep a general shop?—Yes.

1962. Do you recollect what passed between your husband and William Dickey when you say he called at your house?—I cannot quite recollect.

1963. What was it you heard them say?—I cannot at all remember.

1964. Do you recollect any part of what took place?—Yes, I think I do.

1965. Tell us what you do recollect of it?—He wanted my husband to vote for Mr. Verner.

1966. What other thing was mentioned; was there not something said about money?—Yes.

1967. What was it that was said?—Dickey said that he would give him some money for his vote.

1968. How much?—He promised him 10*l.*, I believe.

1969. Do you recollect the words that he used; how long was Dickey with your husband?—I do not know.

1970. Were you with your husband the whole of the time this conversation was continued?—No, only part of the time.

1971. Do you know Mr. Young?—Yes.

1972. Do you recollect Mr. Young calling upon your husband with William Dickey?—No, I do not remember.

1973. Do you know Mr. Young?—Yes.

1974. Do you know Mr. Verner, the Member? I do not think I do; perhaps I should if I saw him.

1975. Do you know whether Mr. Verner came to your husband's with Mr. Dickey?—I am not sure.

1976. Do you recollect Mr. Jefferson coming to your house?—Yes.

1977. Was that after Dickey had spoken to your husband about giving him 10*l.* for his vote?—I think it was after.

1978. Do you recollect Mr. Redmond Jefferson saying anything to your husband?—I do not recollect.

1979. Now, whilst you were in their presence, did you hear Mr. Jefferson say anything to your husband?—Yes, I did.

1980. What did your husband say to him?—I don't recollect.

1981. Was anything said to your husband about money when Mr. Jefferson was present?—I don't remember.

1982. Now, try to remember. Do you recollect Mr. Jefferson or Mr. Young coming in and asking you a question?—I recollect both of them coming to the house.

1983. Was Dickey there at the time?—I think not.

1984. Do you recollect anything being said about Dickey?—

Mr. *Cooke* objected to the question, and the Witness was ordered to leave the room.

After some discussion, the Chairman said the Committee desire me to say that they think you must put your question to the witness in another form.

1985. I think you said that you recollect Mr. Young and Mr. Jefferson coming to your husband?—Yes.

1986. Do you recollect any conversation Mr. Young and Mr. Jefferson had with your husband?—I do not remember, sir.

1987. Do you mean to say that these gentlemen had a conversation with your husband on the occasion referred to, and that you did not remember any part of it?—I was in the shop at the time doing something else, whilst the conversation with my husband took place in the kitchen.

1988. But does not the kitchen adjoin the shop?—Yes.

1989. Then you persist in saying that you do not recollect anything of the conversation?—Yes; I do not recollect it, sir.

1990. Could you not hear in the shop any conversation that was going on in the kitchen?—I might; but I was engaged at something in the shop at the time of this conversation.

1991. Did you hear nothing of what had passed?—No.

Chairman.] She says, in effect, she knows nothing about it.

1992. Do you remember Mr. Dickey coming to your house shortly before the election?—Yes.

1993. Where were you when he came in?—I was in the kitchen when he came in.

1994. Who

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1994. Who was with you in the kitchen?—My husband and myself.

1995. Did Mr. Dickey do or say anything particular when he came in?—I think he sat down for a time.

1996. You say he sat down for a time; did he say anything or do anything?—Yes; he told me that he had 10 *l.* for my husband.

1997. Did you ask Mr. Dickey to lend you 10 *l.*?—No, sir, I did not.

1998. Go on; tell all you know about the matter,—what was said and what took place?—He said that he would give me 10 *l.*, perhaps my husband would need it.

1999. Then you took this money, I suppose?—Yes, I took the 10 *l.*

2000. What was the 10 *l.* in?—It was in notes.

2001. You say you took the 10 *l.*; what did you do with it?—I put it in a drawer in the shop.

2002. After the election was over, do you recollect Mr. Dickey calling again at your house?—Yes, I do.

2003. What did he say on that occasion?—He told me he wanted the 10 *l.* which he had given to me.

2004. What did he say?—He wanted the money back, because he said my husband would not give his vote for Mr. Verner.

2005. And what did you do?—I went to my husband, and he gave me the 10 *l.* I gave it to Mr. Dickey.

2006. You gave the money to Mr. Dickey?—Yes.

2007. Was he in a good temper at the time?—He took the money, and then he scolded.

Cross-examined by Mr. *Cooke.*

2008. Did I understand you to say that you had put the money in a drawer in the shop?—Yes, I put the money there.

2009. What was done with it afterwards?—It lay there until Mr. Dickey came back for it.

2010. When Mr. Dickey came back, did he receive the same money that he gave you?—Yes, sir, but we had made use of a couple of pounds.

2011. Yes; but do I understand you to say, that with the exception of two or three pounds which you had made use of, you gave Mr. Dickey back the same notes which he had given to you?—Yes.

2012. *Chairman.*] Did you pay Mr. Dickey back precisely the same notes you had received from him on the occasion of the conversation you mentioned before the election?—Yes; he got the same notes back, with the exception of some of them, which we had made use of.

2013. Did you not say that he had got all the notes back excepting the two or three pounds you made use of?—Yes.

2014. Mr. *Cooke.*] Where did you receive the other two or three notes which you had made use of, which you required to make up the 10 *l.*?—We borrowed 2 *l.* or 3 *l.*

2015. From whom did you borrow them?—From a neighbour, a man from whom we often borrow money.

2016. Do you know his name?—Yes.

2017. What is it?—Mr. M'Connell.

2018. Where does he reside?—He lives a little below my husband's.

2019. Did you tell Mr. Dickey that your husband was going to vote for Mr. Verner?—I do not recollect.

2020. Did your husband tell you that he had promised that gentleman to vote for Mr. Verner?—Yes; but he afterwards said that he had changed his mind.

2021. Did you hear anything said of 20 *l.*?—Yes; I think there was something said of 20 *l.*

2022. Did you hear of the 40 *l.* affair?—Yes; I think there were 20 *l.* more mentioned.

2023. I now speak of Mr. M'Connell's 40 *l.* Was it not Mr. Barbour's money?—No; I never heard of Mr. Barbour's money.

2024. Did you know of 32 *l.* coming afterwards, or of the 40 *l.* from Mr. M'Connell?—I do not recollect.

2025. Did you know Mr. Gwynne, of Mr. Barbour's factory?—Yes, I do. I have heard my husband speak of him.

2026. Do you know of his having come to your husband's house, and speaking to him of Mr. Barbour, and of your husband voting for him; were you present when Mr. Gwynne called on your husband?—Yes, I was present once when he called.

2027. Did you hear him promise to give your husband 40 *l.*?—No, I did not.

2028. Just try to recollect. Do you not know why your husband changed his mind and voted for Mr. Barbour?—He was advised to do so.

2029. Did you not know that your husband received 40 *l.* from Mr. Barbour, or did you not receive this money yourself?—I do not know how much he got.

2030. How much money did you get?—I did not get any.

2031. Do you not know that your husband got 40 *l.* from Mr. Barbour?—I do not know.

2032. Do you mean to swear that you do not know that your husband got 40 *l.* from Mr. Barbour: I now mention a specific sum?—I really do not know the sum he got.

2033. I must repeat the question. Do you not know that there was a sum of 40 *l.* paid your husband by or on behalf of Mr. Barbour?—I do not remember whether he received 40 *l.* or not.

2034. Have you never heard of 40 *l.* having been paid your husband?—I have heard of some money having been paid, but I cannot call to mind how much. It has quite escaped my recollection.

2035. Do you know what was promised at the last election, if your husband would vote for Mr. Richardson?—I was promised nothing.

2036. Did Mr. Gwynne come into your house when Mr. M'Connell was there?—I think not.

2037. What is Mr. Dickey?—He is a butcher.

2038. Does he keep a shop?—Yes.

2039. A small one?—Yes.

Re-examined by Mr. *Rodwell.*

2040. Who promised you 20 *l.* more, which you were going to tell us something about?—I think Mr. Young.

2041. When was that?—I think a short time after I received the 10 *l.*

[The Witness withdrew.

ALEXANDER DOWNEY, having been called in, was sworn; and Examined as follows, by Mr. *Clerk*.

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2042. Mr. DOWNEY, are you an elector of Lisburn?—I was.

2043. Did you vote?—I did.

2044. For Mr. Verner, at the February election?—I voted at the first election, but I had no vote at the second election.

2045. What are you; what is your occupation at Lisburn?—I was keeping a shop at the time.

2046. What sort of shop?—A grocer's shop.

2047. Last February; the February of last year I mean?—Yes; February of last year.

2048. You had a vote for Lisburn?—Yes.

2049. Did you vote?—Yes.

2050. Did you vote for Mr. Verner?—For Mr. Verner.

2051. Tell me when did you come over from Ireland?—Last?

2052. This week?—On Wednesday.

2053. Did you meet Mr. Beattie when you got to Fleetwood?—I saw Mr. Beattie at Fleetwood, at the station.

2054. Who did you come with from Belfast as far as Fleetwood?—I may say I came by myself, I fell in with no company.

2055. *Chairman.*] You fell in with no party?—I came over myself; I fell in with no party.

2056. Mr. *Clerk.*] Were there other witnesses coming over with you?—There were.

2057. You say you saw Mr. Beattie at Fleetwood; did you go with him anywhere?—I did not go with him, I sat with another man that I found coming to London; his name was William Timblety.

2058. Is that the car driver?—Yes.

2059. The man who had cars, and kept a shop at Lisburn?—Yes.

2060. Where have you been staying in London?—(*No answer.*)

2061. *Chairman.*] You came with him from Fleetwood to London?—Yes, from Fleetwood to London.

2062. Mr. *Clerk.*] Did you have breakfast at Fleetwood with Mr. Beattie?—I paid for my breakfast.

2063. You had it at the same table with him?—He had no breakfast; I paid for it. He was in the same room.

2064. Was he sitting with you at the table?—At one part of the table.

2065. Did you have any conversation with Mr. Beattie at Fleetwood?—No.

2066. When you came up to London, where did you go?—Where I am still.

2067. Where is that?—At the Salutation Tavern.

2068. *Chairman.*] Where is that?—In Burton Street.

2069. Mr. *Clerk.*] Are Mr. Verner's friends there?—There are some.

2070. Now, who gave you the money to pay for your breakfast at Fleetwood?—I had it in my pocket.

2071. Do you know Sam Young at Lisburn; Sam Young, the grocer, who keeps the whiskey shop?—There is one who keeps a grocer's shop, and another a whiskey shop.

2072. Do you know Sam Young, who keeps the whiskey shop?—I do.

2073. Did you see him a short time before 1st February election about your vote?—I did.

2074. Did he ask you then to vote for any one?—(*No answer.*)

2075. *Chairman.*] Did he come to you, or did you go to him?—He sent a man for me to go to speak to him.

2076. Mr. *Clerk.*] Who was that man?—George Maxwell.

2077. Do you know George Maxwell?—I do.

2078. Where did you go to?—To George Maxwell's own house.

2079. Where is that?—In Bridge Street.

2080. Bridge Street, Lisburn?—Yes.

2081. What time in the day was that?—It was night.

2082. What time?—Eleven o'clock.

2083. When you went to Maxwell's, did you meet Young there?—Not for a quarter of an hour after.

2084. Did Young come to the house after you were there?—He did.

2085. What did Young say to you when he came to the house?—He asked me to go and stop a week away.

2086. Away, where from?—From my own house.

2087. What did you say to him?—He said——

2088. What did you say?—I said I could not stop for no longer than three or four days.

2089. What did Young say then?—He asked me would I stop at decent lodgings.

2090. Where?—At any decent lodgings he could find for me.

2091. What did you say to that?—I said I would wherever he pleased.

2092. *Chairman.*] Did you say wherever or whenever he pleased?—Wherever he pleased.

2093. You have mentioned Timblety as the gentleman you met at Fleetwood; did he come into Maxwell's when you were there?—Yes.

2094. Into Maxwell's?—Yes.

2095. Timblety, I think, lives at Bow Street, Lisburn?—Yes.

2096. *Chairman.*] Where does he live?—At Bow Street.

2097. Mr. *Clerk.*] You told us he was a gentleman; he keeps a whiskey shop, does he not, and lets out cars?—He does.

2098. Were his cars employed for Mr. Verner at the February election?—I don't know.

2099. Did you not see them going about Lisburn?—I was not in the street from Saturday night.

2100. Did you go with Timblety from Maxwell's to Timblety's house in Bow-street?—Yes; he accompanied me.

2101. Were you at Timblety's for three nights?—I was.

2102. That would be Saturday, Sunday, and Monday night?—Yes; Saturday, Sunday, and Monday nights. Three nights I was there.

2103. Did you remain in Timblety's house all that time?—Yes; I did.

2104. What, without going into the street?—Yes.

2105. Were you taken care of there, Downey; did you get plenty to eat and drink?—Yes; I got sufficient to eat.

2106. Not sufficient to drink?—I got a little; as much as did me.

2107. What?—As much as did me. I took a little.

2108. There

2108. There was no stint in whiskey, was there?—I don't know.

2109. Were you ever refused whiskey when you asked for it?—I never asked for any in his house.

2110. Did you not have any whiskey in his house?—There was some set; but I never asked him.

2111. But there was plenty set. Was there any stint of it?—I don't know.

2112. Was there whiskey on the table all the time?—No.

2113. But at your meals; was there?—There was beer or ale at meal times.

2114. And whiskey set at different times?—No.

2115. Don't you say it was set?—I say beer or ale was set at dinner.

2116. Did you not say that you did not ask for whiskey, but that it was set for you; what time was it set?—I saw none in the day-time, unless in the morning and evening.

2117. You had whiskey in the mornings and evenings?—Yes.

2118. *Chairman.*] Whiskey in the morning and evening; and beer at dinner and in the middle of the day?—And potatoes, bread, and beef for dinner.

2119. Mr. *Clerk.*] Did you pay for anything at Timblety's?—I did not.

2120. Were there other people at Timblety's besides yourself during those three days?—There were two or three other men, voters.

2121. I dare say you can tell us their names?—George Hodgins was one, and Robert Knuckle was the other.

2122. Were they supported at Timblety's?—They got the same as I got. We all got alike.

2123. None of you paid, I believe?—I did not see anything paid by either of them.

2124. During those three days that you were at Timblety's, did you see anything of Samuel Young; did he ever come there?—I saw him come one day; I think it was on the Monday. I saw him in the room where I was.

2125. Do you know one Alexander Gowdie?—I do.

2126. Did you see him at Timblety's while you were there?—Not at that time; I saw Gowdie in the morning.

2127. Did you hear Gowdie having a conversation with Young?—No, I did not hear any conversation.

2128. Now, could you have gone out of Timblety's house if you had liked?—I do not know.

2129. Was there anybody watching to prevent you from going out?—I cannot say; I never went to the front door to see.

2130. You never went where?—Not into the street.

2131. Did you never try to go out?—I went into the back-yard once while I was there.

2132. Was any one watching in the back-yard when you were there?—I did not see any one there.

2133. You told us you were there from Saturday till Tuesday. What time on Tuesday did you leave Timblety's?—I think it was about seven o'clock in the evening.

2134. How did you leave Timblety's; did you walk, or how did you go?—There was a car came to the door; we got into the car, and the car drove off.

2135. Did anybody else get on the car besides you?—George Hodgins and William Knuckle.

2136. Where did you go to when you got on the car?—To Belfast.

2137. I think one George Wilson drove you?—No; he was on the car; he made the fourth on the car.

2138. George Wilson?—Yes.

2139. Had George Wilson been staying at Timblety's?—No.

2140. Not with Hodges and Knuckle?—No.

2141. He came then on Tuesday evening?—Yes.

2142. You went on the car to Belfast; will you tell the Committee where you went to?—I found the house afterwards to be Samuel Weir's; not that night; I found it the next day.

2143. You went to the house you found afterwards to be William Weir's, in Belfast?—Yes.

2144. Is that in Divies Street?—It is in Divies Street; either Di or De, I don't know which.

2145. Was it on Tuesday night you got there?—Yes.

2146. How long did you stay at Mr. Samuel Weir's?—Till Thursday week following.

2147. *Chairman.*] Was that the Thursday before the election on Saturday?—Yes.

2148. Mr. *Clerk.*] Were any friends of yours at Weir's during this long time you were there?—Any friends?

2149. Any one you knew?—None but the two voters whose names I found.

2150. *Chairman.*] Anyone but Wilson, Hodgins, and Knuckle?—Wilson did not remain with us; he went to Lisburn.

2151. Hodgins and Knuckle?—Hodgins and Knuckle were the only two.

2152. Mr. *Clerk.*] Were those the only two voters there that you knew?—They were the only two that came there that I knew.

2153. But were there some other Lisburn men staying in Weir's house at that time?—Yes, there were other Lisburn men staying at that time.

2154. Don't you know their names?—I don't know their names.

2155. Who attended to you all the time that you were at Weir's house?—His own wife, and his wife's sister.

2156. While you were there, did you ever see Mr. William Graham, the brewer of Lisburn?—No; not during my stay at Weir's.

2157. Did you see him while you were at Belfast at all?—I seen him once.

2158. Where was that?—At Watson's Hotel, the second night before we came up.

2159. You did not see him while you were at Weir's?—No.

2160. During the time you were at Weir's, were you well fed?—Yes, sir.

2161. And plenty of drink?—Occasionally when you needed it you got it; some would take it oftener than others.

2162. Did you ever go out of Weir's house during the ten days you were there; and you sat in the house all the time?—In the house.

2163. Did you go out of Weir's house during the ten days you were there?—I did not.

2164. Did you sit in the house all the time?—In the house.

2165. Did you go down to the backyard sometimes?—Yes.

2166. You were allowed to go into the backyard?—Yes.

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Mr. *Cooke.*] Not allowed; he went.

2167. Mr. *Clerk.*] Do you wish to state you ever tried to get away?—I did not try, sir. None of them did; I did not see any of them there that day.

2168. You did not see any of them?—None of them tried to get away.

2169. *Chairman.*] You say you never saw any of the others try to get away. Have you ever been anywhere else that you saw them try to get away?—I did not, sir.

2170. Mr. *Clerk.*] You may be right; but just think for a moment, whether Mr. Graham did not come to see how you were going on at Weir's; to see if you were going on comfortably?—I did not see him at Weir's.

2171. Did anyone from Lisburn, while you were there, come to see were you comfortable at Mr. Weir's?—I don't recollect seeing any person that I knew there at the time I was at Mr. Weir's.

2172. Now, while you were there was the election a good deal talked about at Mr. Weir's house?—I don't understand you.

2173. *Chairman.*] While you were at Weir's house did the people talk about the election at Lisburn?—There were papers coming into the house. They looked at the papers there, and they read about the election.

2174. Mr. *Clerk.*] You have told me that although they were the only men you knew, Hodgins and Knuckle, there were other Lisburn people there?—Yes; but I don't know their names.

2175. But were they all in the interest of Mr. Verner. Tell the Committee that?—All that was in the house.

2176. That was so; was it?—(*No answer.*)

2177. *Chairman.*] Was that so. Were they all Verner's?—All Verner's in that house.

2178. Mr. *Clerk.*] You say you were there till the Thursday night before the election. Did you go from Weir's house to Watson's?—Yes.

2179. To Watson's house at Belfast?—Yes.

2180. That is near the railway station, is it not?—Yes; opposite.

2181. Opposite the railway station?—Yes.

2182. What time of day or night was it when you left Weir's to go to Watson's?—About midday; about 12 o'clock.

2183. Twelve o'clock in the day?—Yes.

2184. What day was that?—On the day of the election.

2185. How did you go from the house?—In a covered car.

2186. Did you go with any body?—Yes, I went with some other persons.

2187. Who went with you besides the driver?—There were four other persons.

2188. Do you recollect whether there was anybody outside with the driver?—I do not recollect.

2189. How many cars started at that time from Mr. Weir's?—I do not know.

2190. Give us an idea. Were there four, five, or six?—I cannot say.

2191. And you say you drove to Mr. Watson's?—Yes.

2192. Did you see any men at Watson's when you arrived there?—Yes, there were the Verner men.

2193. Were they Lisburn voters?—They were.

2194. How many persons were at Watson's then?—I cannot say. I think there were eight or ten at that time.

2195. Did any more men come to Watson's after you had got there?—There might be about 30; I cannot exactly say.

2196. Did you remain at Watson's until Friday morning?—I stayed there until the Saturday morning.

2197. Then you stayed there all Friday?—Yes.

2198. These men you speak of came from Wilson's house from different places. Were they all voters?—Yes, they were.

2199. You stayed at Watson's until Saturday morning. What time did you leave on that morning; about four or five o'clock?—I think later in the afternoon.

2200. Then you were there during the whole of Saturday; did you see Mr. Graham there?—Yes, I think I saw him there.

2201. You know Mr. Graham of Lisburn?—Yes, I do know him.

2202. Did he say anything to the men there as to how they were to get on?—I do not know; I did not hear him.

2203. Did he say anything to the other men in your hearing?—No.

2204. Did he say what he came for to Watson's?—I don't know; I merely saw him there.

2205. How did you go from Watson's to the station the next morning?—I walked across on foot.

2206. Did you see Samuel Young at the station?—No; I did not see him until I came to Lisburn.

2207. Who paid for your ticket from Belfast to Lisburn?—They gave it to us.

2208. Who gave it to you?—I don't know.

2209. Have you seen the man in London who gave you the ticket?—I don't recollect.

2210. Do you know George Ingram of Belfast; was he the man who gave you the ticket?—I think I saw him. I cannot recollect that it was he who gave me the ticket.

2211. Were there a good many coming in by the train?—All the voters came by the train.

2212. How many came by the seven o'clock train?—About 30, as near as I can recollect.

2213. Had you any persons to march alongside of you from Weir's house to the station?—Yes, a ship-carpenter.

2214. Did the other passengers come up with you from Belfast to Lisburn?—I think they did.

2215. How did you know that the person who accompanied you from Watson's house to the station was a ship-carpenter?—I knew him to be such by eyesight.

2216. Were the Lisburn men at work in Belfast, or were any of them voters?—No, I don't believe they were voters then.

2217. Now did they send people to accompany you from the train to the station?—We marched two-and-two, and outside each pair there was a man on each side.

2218. Where did you go to from the station?—We went to Mr. Ward's.

2219. I understood you to say that when you arrived at the Lisburn station, you saw Mr. Samuel Young?—Yes, I saw him there.

2220. Did he go with you to Captain Ward's house?—Yes; he came as far as Market Square to Captain Ward's.

2221. That

2221. That is Captain Colson Ward?—I don't know his christian name.

2222. Mr. *Clerk.*] Did you all go to Captain Ward's?—Yes.

2223. Did you stay at Captain Ward's until you went to the booth to vote?—Yes.

2224. Did anybody call you to go over to vote?—Yes; Samuel Young beckoned his hand to me to go and vote.

2225. Now did you go a short turn after the election into Samuel Young's public house, or the workshop?—I was in it about a week afterwards.

2226. Did you have any person with you?—Another man called on me, and accompanied them about a week afterwards.

2227. Who is that other man?—I think he was a pensioner man.

2228. Do you know his name?—I forget his name.

2229. Was he going back and forwards on a car?—Yes.

2230. *Chairman.*] Do you mean to say that the man who had called you in had been going backwards and forwards on a car?—Yes.

2231. Mr. *Clerk.*] Do you remember a man of the name of McIlroy at Market Square, a painter?—Yes.

2232. I dare say he was the same man who was at Weir's at Belfast; did you see him there?—Yes; I saw him there.

2233. Was he there as long as you?—No, I was there before him.

2234. Was he one of those who came away to Watson's?

2235. *Chairman.*] Was he one of Verner's voters who went from Belfast to Lisburn with you; was he the man who called you in, and with whom you had some ale?—I don't recollect. There was a man who called me in and gave me a glass of ale; I mean the pensioner.

2236. Do you remember seeing Mr. McIlroy at Young's public house?—I did see him there one day.

2237. Do you know that he was one of the men who had voted for Verner?—He was.

2238. Now do you know that Mr. Young had a conversation with McIlroy at this time?—No, I do not.

2239. Had not you and McIlroy some drink at the counter?—Yes; but I don't say that I got it from Mr. McIlroy. The pensioner man gave me a glass of ale.

2240. Do you remember Samuel Young asking you to take a letter anywhere?—I do not understand what you say.

2241. Do you remember Samuel Young asking you to take a letter anywhere?—Yes; at one time he did.

2242. Where were you to take the letter to?—To his father-in-law.

2243. Was that Mr. William Russell?—Yes.

2244. Did you agree to take it to Mr. Russell?—Yes; I said that I would take it if he had the letter ready.

2245. Did he give you the letter then?—Not at that time,

2246. Did you come back for the letter?—No; not at that time.

2247. Did you come back for it afterwards at any time?—No; not on that day. I went home that day to my own house.

2248. Did you, at any time afterwards, get the letter that he proposed to send to Mr. Russell?—No; not on that day. *A. Downey.* 12 March 1864.

2249. Did you go back to Samuel Young at all?—No, not on that day.

2250. Do you remember something having been given to you by Samuel Young on that day or some other day, in consequence of a conversation that you had had about a letter?—I do.

2251. In the first place, what was given to you?—There was money given to me.

2252. How much money was given to you?—£. 10.

2253. Was it given to you in a parcel; and when was it given to you?—It was rolled up together in a parcel. I took it from the person who handed it to me.

2254. Who was that person?—It was a woman.

2255. Have you ever seen her before?—No, I have not.

2256. Have you seen her since?—No, I have not.

2257. Where was it that this woman gave you the money?—In Samuel Young's house.

2258. Was this on the day that Samuel Young asked you to take the letter to Mr. Russell?—No; I think not.

2259. When was it then?—I think it was some time before that he asked me to take the letter.

2260. Then you say it was some days before you got that letter from Samuel Young that the woman gave you the money?—Yes; but I do not recollect seeing Samuel Young on that day or the evening.

2261. In what part of Samuel Young's house was it that this money was given to you?—As I have said, it was at the kitchen door.

2262. How came you to go to the kitchen door on that occasion?—Because the girl called me to her, and gave it to me there.

2263. Was she a girl that served you in Samuel Young's house?—I cannot tell.

2264. How old was the girl?—About 25 or 30.

2265. Had she opened the door for you on the evening you spoke of?—No, she was standing at the door.

2266. *Chairman.*] Did she call you by your name, or make any sign to you to come over to her?—No; she did not call me by my name, but she made a sign to me.

2267. Mr. *Clerk.*] You say she was standing at the kitchen door?—Yes. I call it the kitchen door; it was the front door leading to the street.

2268. Where was she standing when she beckoned to you?—At the front door leading to the street.

2269. Where were you at the time?—I was at the other side of the street.

2270. Had you been to Sam Young before the time you got this money?—No, I was not.

2271. You say this girl beckoned to you, and that you came across into the shop. Is that so?—Yes, she called me in.

2272. How far did you go in with her?—Into the kitchen.

2273. Whom did you see besides the girl at the time?—Oh, I only saw a couple of children; it seemed to me she was minding the children.

2274. Were those Sam Young's children?—I did not see him at the time.

2275. Did

A. Downey.

12 March 1864.

2275. Did she tell you what she gave you the money for?—No; she did not.

2276. Did you not ask her?—No; I did not ask her.

2277. Do you think it is a common thing to receive money in a place like Lisburn, or any other place, without knowing the reason for receiving it?—I have often received money from persons without telling me the reason.

2278. Have you often had some angel beckoning to you to come over, and giving you 10*l.* without stating any reason. Did you not ask her what it was?—Oh no, I did not.

2279. Did you not know what it was for?—No, I did not know.

2280. Did you not know it was for voting for Mr. Verner?—No, I never made a bargain to receive one farthing for my vote.

2281. Do you know Alexander Downey?—I do.

2282. Have you not told Alexander Downey that Samuel Young gave you this money?—I do not recollect telling him anything of the kind.

2283. Have you not told Downey that this man came from Samuel Young?—I do not recollect.

2284. Do you mean to swear that you did not tell Downing that the man came from Samuel Young?—I did not tell him, to the best of my recollection.

2285. Do you mean to say that you did not tell him, or that you have no recollection of having told him?—I have no recollection of having told him so, and I certainly got no money from Samuel Young.

2286. Did you not tell Downey that the money given you came from Samuel Young?—I did not.

2287. *Chairman.*] Did you say anything to that effect at all?—I told him that I got 10*l.*, and the girl told me it came from Sam Young.

2288. You are quite sure you told Downing that you got the money from the girl, who said she got it from Sam Young?—Yes.

2289. Did you vote at the election?—No, I did not at the last election, for I lost my vote.

2290. And why did you lose your vote?—I lost my vote because it was not registered.

Cross-examined by Mr. *Cooke.*

2291. While you were sitting with these men at Weir's house, did any of the Barbour's people come to you?—I did not see any of them.

2292. Do you know of any of them having come there?—I did not.

2293. You say the men were all Verner's voters who were there; were you all of the same party during the whole time you remained?—Yes, we were all Verner's party.

2294. You say you went from Weir's to Watson's?—Yes.

2295. Do you remember one evening, at Watson's, the head-constable at Belfast coming in and inquiring whether any of the men there were kept against their will?—I do not remember anything of the kind.

2296. Do you remember cheering given for any one that came in?—I do not recollect.

2297. Did you join in any cheers?—I don't recollect any cheering at all.

2298. Were you kept against your will, or could you have gone away if you liked?—I did not attempt to escape.

2299. Were you there of your own free will?—I was there of my own free will.

2300. Were the other men there of their own free will?—I can't say.

2301. Well, did any one that you know of try to get away?—No.

2302. Had the whiskey you got there any influence over you, or had you made up your mind to vote for Verner?—I had made up my mind the day before I left Belfast to vote for Verner.

2303. Who was it that proposed to you to go to Belfast?—Mr. Samuel Young.

2304. You said you would only go away for three or four days. How was it that you stopped there? You used the word "detained," what did you mean by that?—I was not detained there against my will. I never asked to get out from the place, except to go to the back-yard.

2305. By the *Committee.*] You have stated that you had liberty to go into the street. How do you know you had liberty?—I do not know; I did not try.

2306. Did you promise Mr. Samuel Young or any body else at Lisburn to vote for Mr. Verner?—I believe I did.

2307. You say you stopped at Timblety's house two or three days. Did you intend during that time to vote for Verner?—I did.

2308. And were Hodgins and Knuckle voters for Verner at that time?—They were.

2309. And you say that all the party there were Verner's party?—Yes.

2310. Did you know anything of Barbour's party taking the voters and locking them up?—No, I do not remember.

2311. Were you ever a member of Barbour's party. Did you ever promise to vote for Barbour?—I did not.

2312. You stated that you had liberty to go to the back-yard. Can you say that you had liberty to go anywhere else?—I went no further than the back-yard.

2313. What do you mean by saying that you had no liberty to go out of the house?—I mean that I saw no person go out of the house.

2314. Do you think you could go out of the house without being stopped, if you pleased?—Well, I think not.

2315. Had you any reason to believe that if you wanted to go out of the house you would be allowed to go?—Well, the fact is I had no reason to go out of the house at all.

2316. Do you mean to say that if anybody wished to go down stairs out of the front door, that they would find the front door locked?—I cannot tell whether it was locked or not.

2317. Was there any person standing there, so that if you were to go out you would be stopped by that person?—I am not aware.

Mr. *Cooke.*] This is the witness whom Mr. Phinn has mentioned as having been taken away. He is now here to be questioned on that point if the Committee think it necessary.

2318–19. To the *Witness.*] You came up from Fleetwood to Lisburn on Thursday. How did you come?—I came by rail.

2320. And did you yesterday morning go to the

the agent's office, where you were ordered to appear?—I did.

2321. And you reported yourself there?—I did.

Re-examined by Mr. *Clerk.*

2322. When was it that you reported yourself?—About 11 o'clock yesterday morning.

Mr. *Cooke.*] This was an hour before Mr. Phinn had made the charge.

2323. Mr. *Clerk* to the Witness.] Did you see any person there?—Yes; Thomas M'Cann, Mr. Timblety, and Mr. Stevens.

2324. The latter keeps a public-house, I believe?—Yes, he does, I believe.

2325. When you came to London, did Mr. Jefferson take hold of your arm?—No.

2326. Did he walk along with you?—He came on with me until he put me in a cab.

2327. Did you go with him?—No, not in the cab with him.

2328. Did these persons you speak of meet you at some place?—Yes.

2329. Were you not asked to come by Mr. Pelan, and to report yourself as soon as you arrived?—I do not know the person who asked me.

2330. Did not Mr. Pelan ask you?—I believe he did.

[The Witness withdrew.

[Adjourned to Monday, at Eleven o'clock.

Lunæ, 14° *die Martii*, 1864.

HUGH EDWARD ADAIR, Esq., Chairman.

The names of the Members were called over.—All present.

Mr. George Stephenson was called in; and having been sworn, was Examined by Mr. *Clerk*, as follows:

Mr. *G. Stephenson.*

14 March 1864.

2331. Your name is George Stephenson?—It is.

2332. Were you the election auditor at the election in February last year for Lisburn?—Yes.

2333. Do you produce certain accounts which were handed to you by the agent for election expenses for Mr. Verner at that election?—I do.

[*The same were handed in, and were as follows:*]

Lisburn Borough Election.

21st February, 1863.

Election Expenses of *Edward Wingfield Verner*, Esq.

Crommelin Irwin, Agent for Election Expenses in account with Auditor.

Dr.

1863:	Agents—Booths:—	£.	s.	d.
Feb. 21	To Mr. James Young, inspector of booth No. 1	6	6	–
,,	Mr. James M'Clean, inspector of booth No. 2	6	6	–
,,	Mr. Crewley, general inspector of booths	6	6	–
,,	Mr. Lucas Waring, tally room No. 1	6	6	–
,,	Mr. John Coaks, superintendent, tally room No. 2	6	6	–
,,	Mr. John Pennington, Sen., superintendent	6	6	–
,,	James H. Moore, conducting agent	92	6	1
	Cheque Clerks:—			
,,	Mr. John Pennington, Jun., cheque clerk, booth 1	–	13	10
,,	Mr. William Wilson, cheque clerk, booth 2	–	13	10
,,	Mr. Alexander M'Cann, personation agent, booth 2	2	2	–
,,	Mr. Thompson M'Cann, personation agent, booth 1	2	2	–
	Clerks in Tally Rooms:—			
,,	Mr. William Mack, in tally room No. 1	1	–	–
,,	Mr. Robert Bannister, in tally room No. 2	1	–	–

Mr. Verner's proportion expenses; two booths;

	£.	s.	d.			
To Booth No. 1, half expenses	1	10	–			
,, Deputy, half fee	1	–	–			
,, Poll clerk, half fee	–	10	–			
,, Incidental expenses (half)	1	10	–			
,, Booth No. 2, half expenses	1	10	–			
,, Deputy, half fee	1	–	–			
,, Poll clerk, half fee	–	10	–			
,, Incidental expenses (half)	1	10	–			
				9	–	–
Carried forward £.				146	13	9

Dr.—continued.

	£.	s.	d.	£.	s.	d.
Brought forward				146	13	9
To Mr. James Johnston, for printing	–	15	6			
,, Johnston & Co., Lisburn, for printing	–	9	6			
,, John Wallace, printing address for posting	2	2	–			
,, J. D. Finlay & Son, insertions in "Whig"	1	1	–			
,, Like "Belfast News Letter," per account	23	14	–			
,, S. Johnston, printing (Belfast)	1	2	6			
,, Register lists	2	14	–			
				31	18	7
,, Auditors's first fee				10	–	–
,, Discount at 2 per cent. on 178*l.* 12*s.* 4*d.* paid by him				3	11	5
			£.	192	3	9

Cr.

		£.	s.	d.
1863:	By Paid Mr. James Young per his receipt	6	6	–
,,	Paid Mr. James M'Clean ditto	6	6	–
,,	Paid Mr. Crawley ditto	6	6	–
,,	,, Mr. Lucas Waring	6	6	–
,,	,, Mr. John Coates	6	6	–
,,	,, Mr. John Pennington	6	6	–
,,	,, James H. Moore	92	6	1
,,	,, Mr. John Pennington, Jun., cheque clerk	–	13	10
,,	,, Mr. William Wilson, cheque clerk	–	13	10
,,	,, Mr. Alexander M'Cann, personation agent	2	2	–
,,	,, Mr. Thompson M'Cann, personation agent	2	2	–
,,	,, Mr. William Mack, clerk in tally room	1	–	–
,,	,, Mr. Robert Bannister, clerk in tally room	1	–	–
,,	,, Mr. Verner's proportion of expenses, booths, and incidentals, per sheriff's receipt, as on other side	9	–	–
,,	,, Mr. Verner's expenses (committee), printing, &c., as on other side	31	13	7
,,	,, Auditor's first fee	10	–	–
,,	,, His discount at two per cent., on amount paid by him, (178*l.* 12*s.* 4*d.*)	3	11	5
	£.	192	3	9

Dated this 20th day of May 1863.

2334. Who was the agent appointed for Mr. Verner and declared to you under the statute in force?—Mr. Irwin.

2335. Was that Mr. Crommelin Irwin?—Yes.

2336. Did he after the election hand to you all the accounts of the election of his candidate, Mr. Verner?—No. It was given to me by Mr. Lucas Waring.

2337. *Chairman.*] Who is Mr. Lucas Waring?—He is a solicitor in Lisburn, and one of the agents for Mr. Verner.

2338. Mr. *Clerk.*] His name, I believe, appears as a paid agent in that account?—It does.

2339. He is a solicitor?—He is.

2340. Had his name been given to you as the name of one of the agents of Mr. Verner before the election?—Yes; he was a neighbour and all that.

2341. No. Had you his name given to you in writing?—No.

2342. Mr. Irwin was the only gentleman appointed as the agent for election expenses under the statute?—Yes.

2343. Did Mr. Waring hand those documents to you?—He did.

2344. Did Mr. Irwin hand anything to you?—Nothing.

2345. According to the statute you have a published account of all those expenses?—Yes.

2346. You make an abstract of the whole, do you not?—At the time Mr. Waring brought this to me he brought some vouchers and I proceeded to examine them and marked them. That was on the 21st May. There were a number of things which he had not any vouchers for. I said, "what is the use of this, why not do it altogether?" He said, "I will." He then lifted the notices he gave to me; took them away saying he would come back in a few days following.

Mr. *G. Stephenson.*

14 March 1864.

2347. Did he ever come back?—Never.

2348. *Chairman.*] Did you ever receive again from Mr. Waring the vouchers which you had previously marked?—No.

2349. Mr. *Clerk.*] Is what you have handed in a list of all the accounts that were handed to you?—It is.

2350. Were you present at the election?—I was, merely just up and down.

2351. You were not taking any part in it?—No.

2352. Were you present in Lisburn at the time of the proposal of the candidates?—I really think I was not. I kept aloof from either side; I do not recollect.

2353. *Chairman.*] Were you at the nomination?—No, I really believe I was not.

[The Witness withdrew.

Mrs. ESTHER MILLER was called in; and, having been sworn, was Examined by Mr. *Clerk* as follows:

2354. You are the wife of Robert Miller?—Yes.

2355. Is he a voter of Lisburn?—He is.

2356. Does he work at Mr. Barbour's?—Yes.

2357. Mr. Barbour's works are in Lisburn?—Yes; and at Hildon.

2358. How long has he worked at Mr. Barbour's?—I suppose that it may be 12 or 14 years.

2359. Was he working for Mr. Barbour about the time of the election in February last year?—He was.

2360. Where do you live in Lisburn; in what street?—I live in Market-street.

2361. Did you ever see Mr. Verner at the time of the February election?—Yes, I did.

2362. Where did you see him?—I saw him in my own house.

2363. Did he come into your house?—Yes, he did.

2364. Did anyone come with him?—Yes, Sam Young.

2365. Anyone else?—Mr. Bannister came down the hill with them, but he did not come in; he walked on by.

2366. You say that Mr. Verner and Sam Young came into your house?—Yes.

2367. Now we will get the time of the day; what was the time of the day?—I suppose it was between 11 and 12.

2368. In the forenoon?—Yes.

2369. Tell us what took place when Mr. Verner came in?—When Mr. Verner came in, he asked me where my husband was.

2370. What did you say to that?—I said, "he is at his work."

2371. Did you say where he was?—He asked me where he wrought, and I said he wrought at Mr. Barbour's. He asked me would I not bring him home.

2372. What did you say to that?—I said, "No, sir, I would not."

2373. What then?—Mr. Verner turned and walked out.

Mrs. *E. Miller.*

2374. Before he went out was there any talk about the election?—He asked me would my husband vote for him. I said he would not.

2375. You say he turned and went out?—Yes.

2376. What became of Sam Young?—Sam Young stopped in the hall, in my own kitchen.

2377. When you come from the street into your house, into what room do you come?—Into what room did who come? He just came into the kitchen.

2378. Is the kitchen the first room you come into?—Yes; it is like a little hall.

2379. From the street before you could get into the kitchen?—It is most all in one; but it is like a little hall going in.

2380. You say that Mr. Verner went out, and Sam Young remained in the hall?—Yes.

2381. Do you remember where Mr. Verner went, or what he did?—He went outside of the street, between the window and the door, and put his hands upon his haunch, and stood that way.

2382. *Chairman.*] Put his hand upon his hip?—Yes.

2383. Mr. *Clerk.*] You say that Sam Young remained in the hall with you?—Yes.

2384. *Chairman.*] The kitchen and the hall are the same?—Yes.

2385. Mr. *Clerk.*] Will you tell us what passed between you and Sam Young after Mr. Verner had gone out?—Sam Young said to me, "I think, Mrs. Miller, you should bring him home; and, if you do," says he, "you will be benefitted by it." He put his hand in his right-hand pocket, and brought out notes, and said, if I would bring him home, he would give 50*l.*, and it would be better to him than Mr. Barbour's work.

2386. What did you say to that?—"No, sir," says

Mrs. *E. Miller.*

14 March 1865.

says I, "I will not bring him home, for I would not take 50*l.*, nor three times 50*l.*; for I am what you call 'stand true.'"

2387. Have you a little girl named Margaret?—Yes.

2388. How old is she?—She is going into 12 years old.

2389. Was she in the kitchen?—She was.

2390. At this time, when Sam Young was there?—Yes.

2391. When you said to Sam Young that three times 50 would not buy you, did he say anything more?—He did not.

2392. What did he do?—He walked out, and walked down the hill with Mr. Verner.

2393. Tell us, if you can, about how many days before the election was this?—Well, I think that it was either on the 10th or 15th, but I am not too sure.

2394. Was it some days before the election?—Yes, it was.

2395. Is there nothing which enables you to fix upon those two days, the 10th or the 15th?—Well, there is nothing; only I recollect the time pretty well.

2396. Did you see Sam Young again after this before the election?—I did.

2397. Where did you see him then?—I have seen him in his own door, and I have seen him often with Mr. Verner.

2398. I mean, did you have any conversation with him?—I cannot say I had, only once.

2399. Only once. Do you mean the time you have spoken of already?—Yes.

2400. You had no conversation afterwards?—No.

2401. Where had you seen Sam Young with Mr. Verner?—I cannot altogether tell the streets and houses, but I saw him in different places.

2402. Doing what?—I suppose that he was looking for support—support from them as well as from us.

2403. Do you mean walking about with Mr. Verner?—Yes.

2404. Do you know David Beattie, at Lisburn?—Yes, I would know him, for I saw him.

2405. Do you know him by sight at all?—Yes.

2406. Did you ever see him doing anything at the time of the election?—No, I never did.

2407. I mean, did you ever see him in the street?—I don't know that I ever saw him in our street. I do not know that I did.

2408. Did you ever see him in any other street?—I did see him in Castle-street, and other streets round the place.

2409. Did you see him with anybody?—I have seen him with Mr. Verner.

2410. What were they doing when you saw them?—They were going out and in of the houses.

Cross-examined by Mr. *O'Malley.*

2411. Your husband has been 14 years working for Mr. Barbour?—He has.

2412. And that was well known in the place; what capacity was he working in?—He is a hackler.

2413. What were his wages?—I could not tell what he makes a day. It is not by the day he works.

2414. How much about?—I suppose he would make half-a-crown or three shillings. I would suppose so.

2415. And he had been at that work for 14 years?—Yes.

2416. You said you knew that it was either the 10th or the 15th?—I think it was.

2417. But you see there are five days difference; why do you say the 10th or the 15th?—Because I could not be sure to a day or two.

2418. But you see you fix upon two days; as your memory enables you to fix upon those days, I want you to fix upon which of the days it was?—I could not be sure.

2419. Why do you say the 10th or the 15th?—Because I think that was so.

2420. Why not the 8th, or the 9th, or the 11th?—Well, I could not tell; I could not remember.

2421. Might it not have been upon the 8th?—It might not.

2422. It could not be on the 8th?—No.

2423. No?—Because I think it was further on.

2424. Might it be upon the 11th?—Well, I could not say.

2425. Will you swear it was not before the 10th?—I could not swear it, because I am not too sure.

2426. Who suggested to your memory the 10th or the 15th?—There is no person suggested it to me, but I thought it within myself.

2427. You never talked of this to anyone?—No, I could not say I did, only to my own husband.

2428. You never spoke of this except to your husband?—I do not think I did.

2429. Will you swear you did not?—I will not swear whether I did or not.

2430. You do not know whether you did or not?—I do not remember; it is so long.

2431. You do not remember whether you ever spoke of it to anyone but your husband?—I do not.

2432. Have you ever spoken of the evidence which you were going to give here to anyone?—I do not know but what I might be talking to some person, but I do not remember.

2433. You might have been talking to somebody, but you do not remember?—I do not.

2434. Did you never speak to the lawyer about it?—I do not mind of speaking to any lawyer.

2435. Do you mean that you do not remember?—Yes, I mind being examined.

2436. When was that?—I do not know how long.

2437. Well, you recollect the 10th or 15th, very well. You can tell us how long it was since you were examined; you can tell us about how long it is. You do not require so much deliberation. How long ago is it since you were examined about it?—I think that it will be a fortnight against Thursday.

2438. Did you never tell it before that to anyone, except you think that you have told it to your husband?—Well, indeed I do not know. I cannot tell whether I did or not.

2439. Were you examined here or in Lisburn?—At Belfast.

2440. Who examined you?—Indeed I do not know what they call the gentleman.

2441. But you know where you were examined?—Well, I know it was in Belfast; but I am not sure of the place. I know what hotel it was.

2442. Well, what hotel was it?—I cannot mind the name.

2443. Perhaps you can tell me who brought you there to be examined?—I came in the train.

2444. But

2444. But who brought you from the train?—No person came but the people who were in it, and the children and me.

2445. Who came to you to take you to the place. You know that as well as possible?—My husband brought me the word, and him and I went down in the train.

2446. But he told you who he came from?—No, he did not.

2447. What was the word he brought you?—He said, "You have to go to Belfast in the train, and take Maggie with you."

2448. Did he tell you what you were to come for?—Yes.

2449. What did he tell you?—He told me to be examined.

2450. Did he tell you by whom?—No, he did not.

2451. Who paid your expenses?—My husband gave me the money to pay my expenses.

2452. Why did you not recollect that when I asked you about 10 minutes ago?—Well, I connot recollect; I would be very willing to recollect.

2453. But you must have recollected that quite well. Who came to your house before you went?—My husband came.

2454. But some one else too?—No, not one came.

2455. And your husband gave you no name?—Yes; he told me the name of the place to go to.

2456. And did he tell you what you were going for, except to be examined?—No.

2457. You know Mr. Barbour?—Yes.

2458. Did Mr. Barbour ever speak to you about it?—No, he never did.

2459. Never in the course of his life?—Never in the course of his life.

2460. Have you been up before the magistrates at any time?—Yes; I was before them.

2461. How often?—I don't know how often.

2462. Half-a-dozen times?—I do not know how often.

2463. What have you been up for?—Many a time for having a harry with some of them; scolding, or something of that way.

2464. You have been up for an assault, have you not, two or three times?—I never was up for anything only a scolding. I never thought, nor had anything to do with any one that way.

2465. You mean that you never fought with your hands?—Yes.

2466. You only fight with your tongue?—Yes.

2467. Have you not said with that same tongue that you fought with, that you would swear anything to put Verner out?—No, I never did say any such word.

2468. Do you know a man of the name of John Ward?—I do.

2469. Will you swear that you did not say to John Ward that you would swear anything to put them out?—Yes, I will swear that I never said the word.

2470. What did you say?—I never remember talking to John Ward about anything of the sort.

2471. Did you not say this: "If I get Mr. Verner out no other way I will swear him out;" did you not say that?—No, I never did.

2472. What was it you said?—I never remember saying anything to the same man of those terms.

2473. You know Ward very well?—I do.

2474. Where were you talking with him?—I do not remember ever talking about anything of the sort to him, or he to me.

2475. When were you talking with him?—I do not know; I did not talk much to him.

2476. What is he?—He keeps a store beside us.

2477. Do you mean to swear that you never talked with him about this?—Yes, I do mean to swear that I never talked with him about the election.

2478. Did you never talk to him about either election?—Never, to my knowledge.

2479. Will you swear that you did not?—Yes, I will swear that I never did.

2480. Nor about this petition?—I never remember talking to him about either.

2481. You will swear you did not talk about the election?—Yes.

2482. But you never remember talking about the petition?—No.

2483. Will you swear that you did not talk to him about the petition?—I never talked to him about the petition,—never.

2484. On your coming to London?—Never since I was born.

2485. But why did you say a minute ago you did not remember whether you did or not?—I did not say that I do not remember; I said I had never named about putting Verner out. I never said about that.

2486. What did you say about it?—I did not say that.

2487. Well, what did you say?—I said that I did not talk to him of them terms at all.

2488. You tell us that you did not say about putting Verner out. What did you say?—I do not remember saying about him to him.

2489. Did you say to anyone else?—Not that I remember.

2490. Upon your oath, did you not?—I did not, that I mind.

2491. Do you know how it was that you came to come over here?—I was summoned to come.

2492. Did you get any money?—Yes. I did get something.

2493. What did you get?—I got something to pay my fare over.

2494. What did you get?—Indeed, I do not know what money I got. I got a ticket to bring me over—a card from Belfast to bring me over.

2495. You know what money you got?—No, I do not; but I got a card from Belfast.

2496. Do you mean to tell these gentlemen that you do not know what money you got. Is money of so little importance to you, that you mean to tell these gentlemen you do not know what money you got?—I got a card to bring me over from Belfast.

2497. *Chairman.*] No, but answer the learned gentleman. Did you receive any money, gold, or silver, or notes, as well as the card for your railway?—No, I did not.

2498. Mr. *O'Malley.*] Did you not tell us this moment that you did get the money?—I thought the card was what you meant.

2499. No, you do not mean the card means money. Do you tell these gentlemen that is what you thought?—Yes.

2500. You thought that the card meant money?—Yes.

2501. I asked you, did you get any money, and you told me you got something to pay your way?—I thought the card was to pay my way.

Mrs. *E. Miller.*

14 March 1864.

Mrs. *E. Miller.*

14 March 1864.

2502. Was the card money?—Yes, it was value for money.

2503. Where was the card to take you to?—To London.

2504. Did the card pay for what you ate and drank?—No.

2505. Who paid for them?—I do not know who paid for them.

2506. Now, you say that they asked you to get your husband out, and let him come back. Where was he then?—He was at his work, surely.

2507. Was he one of those who were in the fort?—What do you mean by that?

2508. You know very well what I mean by the fort?—No, I do not.

2509. You know the place where the voters were kept, at Hildon?—Yes, I do, very well.

2510. Was he not there?—He was.

2511. He was very much the worse for the confinement, was he not?—No, he was not anything the worse, for he was not confined.

2512. Did you not say that he was very ill when he came out of it?—Who did I say it to?

2513. Did you not say so?—His health is not very good since I saw him. He has a cough.

2514. Did you not say that he was very ill when he came out?—Well, he was poorly; but he was able to go to his work.

2515. What made him poorly, do you know?—I do not know; the cough.

2516. How long was he in it?—I think that he was 11 days away.

2517. Did you not say that it was the way they cooked the meat that made him ill?—No.

2518. He was 11 days cooped-up there?—He was.

2519. And he was up there at the time when these gentlemen came to you, was he?—No; he was at his work.

2520. The 11 days before the election was he cooped-up there?—Yes. I think he was 11 days from home.

2521. You are sure of that? He was 11 days shut up before the election?—He was not shut up at all.

2522. He was kept there, at all events?—He was out and in, about the shop, and about his own work.

2523. But he did not come home for the 11 days?—He did not.

2524. Did you go to see him?—I did.

2525. How often?—Indeed, I was there every day, for we have a little boy working there, and I went with the child and I always went to see him.

2526. In the fort?—He was not in a fort; he was not shut up, or anything.

2527. Was he not in the fort where the other voters were?—Sometimes he was in, and sometimes he was out.

2528. Is that what you mean to say?—Yes.

2529. Do you not know that he was for 11 days in there, and did not come away from Mr. Barbour's during the 11 days?—He was 11 days from home.

2530. He slept out, and eat, and drank out?—Yes.

2531. That 11 days were the 11 days just before the election, were they not?—I do not know whether it was or not.

2532. You told us that it was not while he was, I will not call it shut-up, but while he was from home; was that the time these gentlemen came for him?—Yes, it was.

2533. When he was shut-up?—No; he was working.

2534. Well, when he was shut-up, when he was free to go and come as he liked, but when he was treated there, was that the time?—Yes, I think it was.

2535. Now, you told me a short time ago that it was not when he was up there that Mr. Verner came; which was it, when he was up there, or when he was not?

2536. Mr. *Clerk.*] Do not assume she said it? Witness—I never said so.

Chairman.] I understood the witness to say that Mr. Verner came whilst her husband was up at Hildon.

Mr. *O'Malley.*] A considerable time before, she said he was at his work.

Mr. *Clerk.*] You asked whether he was at the fort, and she said no.

2537. Mr. *O'Malley.*] Which was it, at the fort or at his work?—I could not tell which.

2538. Did you not tell Ward, that neither Sam Young nor Bannister ever offered you anything for your vote?—I never told Ward such a word.

2539. Did you tell him anything about it?—I have nothing to say about Mr. Bannister.

2540. Well, but Mr. Young?—Mr. Young did offer me the money.

2541. Did you not tell Ward he did not?—No, I never told him such a story.

2542. Did he show you any money?—He did.

2543. What did he show you?—He said there was 50 *l.*

2544. What was it he showed you, was it sovereigns?—Paper notes.

2545. Did you have a conversation with Ward. Do you remember sending the little girl Margaret for Ward to come and mend the water cock?—I do not remember it.

2546. Nor remember his coming?—No.

2547. Do you know what days of the week this 10th or 15th was?—I do not.

Re-examined by Mr. *Clerk.*

2548. Is your husband Robert Miller, an old man?—Yes.

2549. He is a good deal older than you?—I do not know. Yes, he is older than me.

2550. Is he a strong man?—No, he is not; he is a very delicate man.

2551. You say that during the time he was away from home these eleven days you used to go and see him?—Yes.

2552. Where did you go to?—The first time I went to the old office.

2553. At Hildon?—Yes.

2554. Did you see him there?—Yes.

2555. What is the fort which you have been asked about. Do you know a place called the fort?—No, I do not.

2556. During those days, how often will you tell the Committee that you went to Hildon, did you see your husband?—I have a little boy works there too, and I always went down with the little boy's dinner.

2557. You went every day?—Yes, unless the market day, Tuesday, when I went down any time, and I saw any of them; I would ask where he was, and wherever he was, I would ask to see him. I saw him in the Hackling shop often, and I saw him a few times up at the hall door, together with other ones.

2558. During those 11 days, was your husband, or

or was he not at his work at Hildon?—I do not know whether he wrought any or not.

2559. When was it you told your husband about the visit of Mr. Verner and Sam Young?—I do not remember how long since; I could not remember; I do not know.

2560. Was it before or after the election?—I think it was after.

2561. You cannot say how soon after?—No, I cannot.

2562. Now about Mr. Verner and the day he came; I suppose the question is whether you know him. Do you know Mr. Verner well by sight?—I do not know whether I know him or not.

Mr. *O'Malley* objected to the question.

Mr. *Clerk* was heard in support of it.

The *Chairman* stated that the Committee were of opinion that the question was admissible.

2563. Mr. *Clerk.*] Now this Ward who has been mentioned keeps a whiskey shop, does he not?—Yes.

2564. Is that in a cellar underneath Jacob Bannister's house?—Yes.

2565. How far is that from your house, is it in the same street?—Yes.

2566. What does he sell, beer or whiskey, or what?—He sells both.

2567. Do you often go in there?—No.

Examined by the Committee.

2568. During these eleven days that your husband was away, and that you say you saw him every day, did you receive any portion of his wages?—His pay like was up on the Saturday; his pay was up on the Saturday following; he got what was coming to him.

2569. He received his wages weekly?—Yes; he gave me what was coming to him like for that fortnight.

2570. Did he give you any portion of his wages during that period?—He did.

2571. How much?—I think he gave me 25 *s.*; he sent it to me by the child coming home.

2572. When you saw him as you state, did he then give you any money?—No, not any; not till the pay was up.

2573. Mr. Barbour's father lives close by Hildon, does he not?—Yes.

2574. What do they call his house?—"Hildon," I think.

2575. Was this old office that you spoke of where your husband was sleeping?—Yes; it was in the yard.

2576. Was that where he was sleeping?—I do not know whether he slept there or not.

2577. Was that where he got his meals?—Yes.

2578. Did you see any men with guns about? No; my time was short there, back, and forwards; I could not see a deal; I did not see any guns.

2579. *Chairman.*] When Mr. Verner asked you if your husband would vote for him, where was Mr. Sam Young?—He was standing in the door.

2580. How near Mr. Verner?—They were both standing; Mr. Verner was not gone out then.

2581. That I understand; but how near was Mr. Sam Young to Mr. Verner when Mr. Verner asked you if your husband would vote for him?—They were pretty near.

2582. Was Mr. Sam Young minding Mr. Verner's conversation with you?—I do not know whether he was or not paying any attention to it. When a gentleman of that sort comes in many times, you are knocked about, and not paying attention to them.

2583. Was he so near to Mr. Verner that if he wished to hear your conversation with Mr. Verner he was able to do so?—I do not know.

2584. What hour of the day was it that you went up to the old office?—I went at the dinner hour.

2585. How soon did you go up to the old office after you had had this conversation with Mr. Verner?—I do not know whether I went up that day at all or not; maybe I sent the child; I am not sure whether I did or not.

2586. If you did not go the same day, do you think you went the following day?—Well, I do not know.

2587. But you went and saw your husband subsequently to this conversation with Mr. Verner?—Yes.

2588. How did it happen that you never mentioned, at the time that your husband was at the old office, that you had had this conversation with Mr. Verner?—I do not know; there was always persons with him, that I could not begin to tell him anything of the sort.

2589. There were always persons there?—Yes.

2590. Were there many persons in this old office?—There was a few; I do not know how many.

2591. Did you know any of them?—Yes, I did.

2592. Who were they that you saw there; can you recollect at all?—I knew Mr. Woods, out of Lisburn; I cannot say I knew anyone else.

2593. Do you know whether Mr. Wood is a voter for Lisburn or not?—I heard them say he was.

2594. Heard who say he was?—I heard the people talking it over that he was.

2595. Were they all talking about this election, then, in the old office?—No; they were not talking about any election.

2596. Did you see Mr. Woods and some others in the old office?—Yes.

2597. Did you ever ask your husband why he was not coming home?—No, I never did.

2598. Was he in the habit of absenting himself for 11 days without coming home?—I never asked him to come home, nor he did not say he would.

2599. Perhaps not; but did he tell you anything about the reason why he could not go home?—He did not; I never asked him why was the reason.

2600. But did he, without your asking him, say anything to you about going home?—No, he did not.

2601. Did he tell you how long he was likely to be absent from home?—No, he did not.

2602. He did not say anything about that?—No.

2603. Was he in the habit of staying up at this place for 10 or 11 days together. Had he ever stayed from home 11 days before?—No.

2604. Were you not surprised that he stayed?—No, not at all surprised.

2605. Why?—Because I knew if he was at home, may be the other parties would take him; and I thought it would be better to be there.

2606. You

Mrs. *E. Miller.*
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2606. You rather wished him to be from his own house, to save him being troubled about his vote?—I wished him to be from his own house to vote for Mr. Barbour.

2607. You knew no one else who was in this old office, except Mr. Woods?—No, I cannot say I did, unless Mr. Woods.

2608. How many people were there there?—I could not tell.

2609. Were they workmen at Mr. Barbour's? Had you ever seen any of them before?—I might see them before, but I had no acquaintance.

2610. But you had seen them; they were not entirely strangers to you?—I think not.

2611. And the only one whose name you can recollect is this Mr. Woods, is it?—Yes; I cannot say that I had any knowledge of the rest, only I knew him.

2612. But still you knew the others sufficiently to know that they were not strangers to the place?—Well, I think not.

2613. I understood you to say that you had seen them before?—Likely I might have seen them, but I do not know their names.

2614. Had you seen them working there before, on any occasion when you had gone up with your son's dinner?—I do not know.

2615. Had you ever seen any of them in the streets of Lisburn?—I might, but I do not remember.

2616. By the *Committee.*] Did you go up to the old office the day before the nomination?—They were up in Lisburn the day before the nomination.

2617. Did your husband come to see you then?—No; but I went to see him.

2618. Where did you see him?—At Mr. McCreight's, in Lisburn.

2619. Did you see your husband come into Lisburn?—I did.

2620. With the other men from the old office?—Yes.

2621. How did he come in?—He came in a car.

2622. Anybody by the side of the car?—No, not any one.

2623. What day did he come in?—Saturday was the nomination day. I think he came in on the Thursday; but I am not too sure.

2624. Did you see him on Thursday night at Lisburn?—I saw him coming in off the car.

2625. Did you go and see him then?—I did, and took him up his clothes.

2626. Did you not say something to him about this offer when you went to see him in Lisburn?—No, I did not.

2627. *Chairman.*] How old is your son?—He is 15.

2628. Did you ever tell him anything about it?—No, I never did.

2629. Or your daughter Margaret?—Margaret was in the house, and heard all that I heard.

2630. Who is this McCreight, at whose house you saw your husband?—

Mr. *Clerk.*] I do not know whether you will take the admission from me that he had the tally-room of Mr. Barbour at the February election.

Chairman.] Was it an inn?

Mr. *Clerk.*] I am told it is an inn.

Witness.] Yes.

2631. By the *Committee.*] How soon did your husband come home after the election, having been away for 11 days?—He came home on Saturday, I think.

2632. *Chairman.*] When the whole affair was over your husband came home?—Yes.

2633. By the *Committee.*] How soon?—It might be an hour or an hour and a half: it might be a couple of hours, I could not be sure to a minute.

2634. So soon as he had polled he came home?—Yes.

2635. Did he vote for Barbour?—Yes.

2636. *Chairman.*] Who did your husband vote for last time?—Mr. Robert Barbour was going on with it, and my husband intended to give him his vote. He voted for Mr. Richardson, I believe.

2637. By the *Committee.*] When did you know Mr. Richardson was going to stand?—We heard them talk of it the morning that they were going into the room for to poll.

2638. Did you hear of it before?—I do not know whether I did or not, but I heard it then.

2639. Did Mr. Young call upon you before the June election?—No, he did not.

2640. Nor anybody call about your vote?—Captain Ward and Mr. Verner.

2641. They called before the June election?—Yes.

2642. Just tell us about that. How long before the election was it?—I do not remember. Mr. Ward asked me for my husband, and asked me was my master at home. I said not. He asked me where he was. I said he was working. He asked me where. I said, "at Mr. Barbour's;" and I think that he said was he going to support Mr. Barbour. At the word he said "to Mr. Verner;" they both walked out, and he said he could not say anything, on account of his working there I think was his meaning.

2643. Did he say anything about money?—No, he did not.

2644. Did anybody say anything to you about money for the June election?—No.

2645. *Chairman.*] That was all that occurred?—Yes.

2646. Your husband voted for Richardson after all?—Yes.

2647. By the *Committee.*] Did your husband know Mr. Richardson?—Yes; he has wrought with him as well as with Mr. Barbour, before now.

5648. Do you know how he came to vote for Mr. Richardson; did you hear him canvass?—No, I did not; I know nothing about it.

2649. *Chairman.*] Was he absent from home 11 days in June?—No; February.

2650. He was not absent in June?—No.

2651. By the *Committee.*] Did he sleep at his own house the night before the election, in June?—Yes.

2652. Mr. *Clerk.* Would you ask whether he ever worked for that Mr. Richardson?—

By the *Committee.*] She says he did.

1653. *Chairman.*] Do you know which Mr. Richardson was it for whom he voted in June?—It was for Mr. Richardson of the "Island."

2654. When had he worked for Mr. Richardson of the "Island"?—He did before he went to Mr. Barbour's.

[The Witness withdrew.]

MARGARET MILLER was called in; and, having been sworn, was Examined by Mr. *Clerk*, as follows:

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2655. YOUR name is Margaret, is it not?—Yes.

2656. Is your father Robert Miller?—Yes.

2657. Do you live with your father and mother?—Yes.

2658. *Chairman.*] What is your age?—I am near to 12.

2659. When is your birthday?—I do not know.

2660. Mr. *Clerk.*] Do you recollect the election last February, at Lisburn?—Yes.

2661. Were you occasionally out in the streets when the gentlemen were going about at the time of the election?—Yes, I was.

2662. Do you know Mr. Verner by sight?—Yes.

2663. Have you seen him before that election going about in the street?—Yes.

2664. Can you tell me the names of any of the gentlemen who went with him?—Mr. Jefferson.

2665. Do you know which Mr. Jefferson?—He keeps the big shop in Lisburn.

2666. Do you know what his other name is?—Redmond Jefferson.

2667. You saw Mr. Redmond Jefferson—anybody else?—Mr. Beatty.

2668. Where does he live?—At the Tanyard.

2669. Anybody else?—Sam Young.

2670. Was there any other gentleman?—I do not remember any more that were named.

2671. *Chairman.*] Did you see any one else with Mr. Verner in February, at the time of the election, except Redmond Jefferson, Mr. Beatty, of the Tanyard, and Sam Young?—No, I do not remember any more.

2672. Mr. *Clerk.*] Do you remember Mr. Verner coming to your mother's house one day?—Yes, I do.

2673. Did any one come with him?—Sam Young.

2674. Where did they come to?—To the room-door.

2675. *Chairman.*] Which room?—At the room-door.

2676. Mr. *Clerk.*] Where were you at the time?—I was at the fire.

2677. At what fire were you?—At the kitchen fire.

2678. *Chairman.*] Was the kitchen the room at the door to which they came?—At the room-door.

2679. But when you say the room, you mean the kitchen?—Yes; the kitchen room-door.

2680. Mr. *Clerk.*] Do you know how many rooms there are on that floor; when you come from the street how many rooms are there?—I do not know what you say.

2681. *Chairman.*] When you come into your fathers house from the street, do you come at once into the kitchen from the street?—Yes.

2682. Mr. *Clerk.*] Now tell us what you recollect took place when Mr. Verner and Sam Young came to the door of that room?—Yes.

2683. Did Mr. Verner say anything?—He asked mother where her husband was. My mother said he was at his work. He asked her would she bring him home. She replied, "No, sir, not at all." She would not bring him home. Mr. Verner said "humph," and he walked out and put his arm on his right side that way (*describing same*), and stood about a yard and a half off the door. Mr. Young laid his arm that way against the room door (*describing same*), and he said, "Mrs. Miller, will you not bring him home?" My mother said "no, she would not." He said, "I will give you 50*l.* if you bring him home to vote for Mr. Verner." My mother said, "50*l.*, nor three times 50*l.*, would not buy her, sir, because she was 'stand true.'"

2684. *Chairman.*] What did you understand by that?—She meant she would not take it. Mr. Young then walked out. That is all.

2685. Mr. *Clerk.*] When Sam Young said he would give your mother 50*l.*, did you see anything in his hand?—Yes; I saw the notes in his hand, because I knew them to be notes, for there were numbers on them, because many a one I carried home from Mr. Barbour's to Lisburn, to change for him.

2686. When did you first see those papers in his hand?—He brought them out of his pocket, out of his right side pocket.

2687. When Sam Young went out of the house, did he walk away with any one?—Yes; he went down with Mr. Verner down the hill again. He went up to Mr. Savage's, who lives up our lane.

2688. Where does Mr. Savage live?—He lives up at the Paper lane. He lives in Market lane, and he lived in Paper lane. He went up the hill again.

2689. Did you go to the door when they went up the lane?—No, I did not; but when I was in the store afterwards I heard them saying that they were going up to Mr. Savage's.

2690. *Chairman.*] Heard who?—I heard the men saying of it in the store, that they went up to Mr. Savage's. In Mr. Ward's store who lives next door to us, and I was going in there with a message.

Cross-examined by Mr. *O'Malley.*

2691. Are you the daughter of Mrs. Miller?—Yes.

2692. Have you not another mother?—I always call her mother.

2693. You live with her and call her mother? Yes.

2694. This was more than a year ago that this happened, was it not?—I do not know what time it was; but it was at the election. I do not remember what year it was.

2695. You do not remember the year it was?—It was in February.

2696. But you do not know in what year?—I do not know the day it was on.

2697. I am not asking the day, but you told me you did not know what year it was on. Is that so?—It was February.

2698. But there are a great many Februarys. Was it last February?—I think it was.

2699. Last month?—It was in February—the election.

2700. That is all you know?—Yes.

2701. You do not know how many years ago that was?—I do not think it is a year since.

2702. When did you come over here to London?—We came over on Wednesday.

2703. Last Wednesday?—Yes.

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2704. Where have you been staying since?—Sure, I was in an hotel.

2705. Did you tell anyone there what you were going to say?—No, I did not.

2706. Did you speak to your mother about it?—No, I never did.

2707. Did you ever speak to anyone about it?—No, I never did.

2708. Did you never speak about it since February last?—Yes; I spoke to a man at Belfast about it.

2709. How long ago is that?—It was before we came away to this place.

2710. Just before you came away?—Yes.

Chairman.] She did not say just before she came away.

2711. Mr. *O'Malley.*] Was it just before you came away?—I do not remember the day. It was only when I was in Belfast, and as we were with that gentleman (*pointing to a gentleman in the room*).

2712. How long before you left Belfast?—I do not know; I do not remember.

2713. You can tell me. Was it a week or ten days?—No, it was not.

2714. Did you return home after being at Belfast?—Yes, I did.

2715. Before you came away here?—Yes.

2716. I want to know about how long; was it a week or 10 days?—No; it was neither a week nor 10 days.

2717. It was less than a week?—Yes.

2718. Until that time to the time you told it to the gentleman there had you ever spoken to anyone about it?—No.

2719. Had you spoken to your mother about it?—No.

2720. Never?—No.

2721. Did your mother speak to you about it?—No, she did not.

2722. Did you ever speak to your father about it?—No, I did not.

2723. Did your father speak to you?—No.

2724. No one ever spoke to you about it till you went to Belfast?—No.

2725. And you kept it all in your mind throughout the year?—Yes, I did.

2726. Have you a good memory?—I do not know.

2727. Can you tell me who was in your house that morning before Mr. Verner came?—There was no one in it.

2728. I am not asking you about gentlemen or others, but who was in the house?—No one was in it but my mother and I.

2729. No one but your mother came in the whole day?—Yes; there was people came in for water.

2730. Who came in?—There was Mrs. Charlotte; I do not know her other name.

2731. When did she come in that day?—I do not know.

2732. Did she come in that day?—Yes, she did; but it was not the time when Mr. Verner was there.

2733. What did she say to you?—She never spoke; only took the water, and thanked my mother for it.

2734. The day before, what people did you see there?—There was no one in, only for water.

2735. Is that all they ever came for?—They never came in anybody except for a cup of tea, or else for water.

2736. Who drank tea with your mother the night before?—My father.

2737. Did he drink tea with her that night?—The night after Mr. Verner was there?

2738. Yes?—No; he was not there.

2739. He was there the night before?—Yes, he was.

2740. He was there the night before Mr. Verner came, but not the night he came?—He was afraid a great party came to take him away. He was afraid of the Vernerite party coming to take him away, and stayed at Mr. Barbour's.

2741. When did he go to stay there; the day Mr. Verner was there?—No.

2742. He drank tea at home the night before. When did he go to Mr. Barbour's?—I do not remember the night he went to Mr. Barbour's.

2743. Was he at Mr. Barbour's when Mr. Verner came?—Yes, he was; he was at his work.

2744. Was he staying there then?—Yes; he was at his work.

2745. Did he come home that night?—No, he did not.

2746. Was that the first night he stayed away?—I do not remember.

2747. You know he drank tea at home the night before?—I am not sure whether he did or did not.

2748. But you told us he did three or four times; now, which are you sure about?—I do not remember.

2749. When had you ever seen Mr. Verner before that time?—I had seen him a good lot of times, because I was running with him. I was saying, "Barbour for ever!"

2750. How often had you seen him before this time when he came?—A good lot of times; I saw him go in and out of the houses canvassing.

2751. A week?—I saw him in and out canvassing.

2752. But I want to know was he canvassing a week before that?—I do not know.

2753. Was he canvassing a day before that?—Yes; I suppose he was.

2754. Two days?—I suppose he was; I do not know.

2755. Did you see him two days before that?—I do not remember; only I ran after him saying, "Barbour for ever!"

2756. You do not remember whether it was two days?—Yes; it was two days, I am sure.

2757. Was it three days?—I do not remember.

2758. But you are sure it was two days before that?—Yes.

2759. You cannot remember whether it was three days?—No, I cannot; I was not thinking about it.

2760. Was there no one there when you shouted, "Barbour for ever"?—Yes; there was a mob about.

2761. But there were a great many gentlemen too?—Yes, there was.

2762. How came you to recollect those three names, and only those three names?—I do not know the other names; but I think they were always with him.

2763. Will you tell me any other person that was with him during that time?—No; I do not remember any other body.

2764. Can you tell me any other person when you were shouting?—No, I cannot.

2765. Those are the only three names?—Yes.

2766. Do you mean to say that these are the only three names you can recollect?—Yes.

2767. Who

2767.—Who told you that these were the persons?—I knew them because I knew Mr. Jefferson. Many a time I was in Mr. Jefferson's buying knives with my da'.

2768. You see you have been in a great many shops?—Yes.

2769. I want to know who told you these three names?—No one told me.

2770. Who spoke to you about the names?—There was no one spoke to me.

2771. And no one ever spoke to you about the names from that time to this, excepting the gentleman at Belfast?—No; I do not remember anyone speaking to me about it.

2772. Did he tell you the names?—No, he did not.

2773. And no one ever spoke to you about them?—No; because I heard the shopboy many a time calling him for change. I heard him saying, "Mr. Jefferson."

2774. That was the reason you recollect it for a year now?—Yes; I remember his name.

2775. You go to a great many shops besides his?—Yes.

2776. You know a great many gentlemen about Lisburn?—Yes.

2777. Tell me some of their names?—That is all I remember.

2778. Did you go up during the time your father was away to Mr. Barbour's?—No, I never did; only my mother went with the dinner.

2779. Did you see your father?—No; I was not there to see him. I was at home minding the house when mother was out.

2780. Did you not say you went with your mother with the dinner?—No, I did not. I was not with her, because there would be nobody in the house.

2781. Did you or did you not go with her with the dinner?—No, I never did.

2782. How many days was your father away?—I do not remember.

2783. Was he a fortnight away?—I do not remember.

2784. You never saw him during the time he was away?—No; he did not come home.

2785. You never saw him?—No, I did not; but my mother saw him.

2786. But you did not see him?—No, I did not.

2787. Do you know a man of the name of Ward?—No; which Ward?

2788. Do you know Ward a plumber?—Captain Ward, do you mean?

2789. No; that is another person. It is John Ward?—Yes; in the store.

2790. *Chairman.*] He keeps the store under Mr. Bannister's shop?—Yes.

2791. You know him?—I do.

2792. Mr. *O'Malley.*] Do you remember at any time going for Ward?—Which Ward?

2793. John Ward, who keeps the stores. Did you go for him to mend the cock?—Yes.

2794. When was that?—I don't remember when that was.

2795. Did he come?—Yes; he did come to mend the cock.

2796. Did you hear him talking to your mother?—I do not know.

2797. You do not know whether he did or not?—Only they were saying that the cock was wrong.

2798. Is that all they spoke about?—I do not remember.

2799. You cannot recollect at all what he said?—No, only about the cock. I do not remember what he said. *M. Miller.* 14 March 1864.

2800. Do you remember what he told your mother about the election?—No, I do not remember.

2801. You do not recollect that?—No, I do not remember; I forget that.

2802. That is not so long ago as the February election?—No.

2803. Do you mean to say you forget that?—Yes; I do not remember.

2804. You did not hear him say anything to her about Mr. Young?—I do not remember anything about that; I forget about that.

2805. But you remember her talking to him about it?—Yes, she was talking, but I do not remember.

2806. You remember her talking, but you do not remember what she said?—No.

2807. What was she talking about?—They were talking about a cock.

2808. No; but what they were talking about the election?—No, I do not remember what was said about that.

2809. You can tell us what they said about the cock, perhaps?—Yes.

2810. You recollect that quite well?—Yes, I do.

2811. What was it he said?—He said if master had to come down; he would be angry about it.

2812. Now, recollecting that, what did they go on to talk about, what else?—They were talking something about Mr. Verner, but I do not remember what they said; I do not remember what that was.

2813. Do you remember her saying that Mr. Young had offered her something for the vote?—No, I do not mind it.

2814. Just recollect; did she not tell him that Mr. Young had offered her something for the vote?—I do not remember.

2815. Try and recollect. Now, are you not quite sure she did not?—No, I am not sure.

2816. You are not quite sure she did not?—No; I remember them talking about it.

2817. And about money?—Yes, I do now. Yes, I remember a little thing about that now.

2818. Did she tell him she had got money from Mr. Young?—No, she did not take the money.

2819. But did she tell him she had been offered money by Mr. Young?—I do not remember that at all.

2820. She told him she did not take the money?—Yes; I do not remember.

2821. Did she tell him it had been offered to her?—I do not remember anything about that at all, because I was playing every evening when I was at home, and could not remember about it.

2822. You do not remember anything about that now?—I forget about it.

2823. Do you mean that you forget about it?—Yes, I forget about it.

2824. Did you not hear her say that Mr. Young did not offer her any money?—I do not remember anything about it; I forget about it. If I was at home I could remember further about it.

2825. By the *Committee.*] Why would that be so?—I think long to get home.

2826. But why would it be that you could remember it if you were at home?—Because I think long to get home to my da.

2827. Mr. *O'Malley.*] Do you think if you saw your papa you could remember it?—I think I could.

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2828. Is that what you say?—If I was at home I could remember about it, because I think long to get home.

2829. You do not remember what was said about the money?—I forget about it.

2830. You remember it was said?—Yes.

2831. You forget about it?—Yes.

2832. You remember she said she did not take the money?—Yes.

2833. By the *Committee*]. You know you told us a good deal about what was done when Mr. Young and Mr. Verner came. Will you try and tell me what happened when you were standing by the fire in the kitchen. Tell us what happened when Mr. Young and Mr. Verner came. Begin with the kitchen?—Mr. Verner went out, and Sam Young stayed in.

2834. Before that, when you were standing before the fire: the two gentlemen came in together?—Yes.

2835. You told us that Mr. Verner and Sam Young came in while you were standing by the fire. What happened then?—Mr. Verner asked my ma would she bring my da home; and my ma said, "No, not at all." Mr. Young asked her, and Mr. Verner went out and stood about a yard and a half from the door. Sam Young said, "Mrs. Miller, will you not bring him home." My ma said, "No, not at all," she would not bring him home.

2836. Anything else?—Mr. Young laid his shoulder that way (*the Witness explained*) against the room door, and said, "Mrs. Miller, I will give you 50*l.* if you bring him home to vote for Mr. Verner." My ma said, 50*l.* nor three times 50*l.* would not buy her, sir, because she was stand true.

2837. Was not there anything more?—I do not remember anything more.

2838. What did Mr. Young do then?—Sam Young put his hand this way (*the Witness explained*) in his right side pocket, and said he, "I will give 50*l.* if you bring him home to vote for Mr. Verner;" and I knew them to be notes, because there were numbers on them.

2839. How did you know, when you were running about the streets, the names of the gentlemen whom you saw. You told us that you knew Mr. Jefferson, by reason of having frequently gone to buy knives?—Yes, with my da.

2840. And you gave us the names of two or three other gentlemen. How did you come to know their names?—I know them very well.

2841. Who were they?—I knew them, because I heard people say on it, and call them Redmond Jefferson, and Mr. Beattie, of the tanyard.

2842. You knew Mr. Beattie and Mr. Jefferson; did you know them by sight before this election proceedings?—Mr. Beattie has white whiskers.

2843. *Chairman.*] What time of the day was it when Mr. Verner came into your kitchen?—I do not remember what time of the day it was.

2844. Was it in the morning or evening, or when?—It was early.

2845. Was it nine?—I think it was between 11 and 12, but I am not sure; I think it was middling far on in the day.

2846. How long were your mother and Mr. Ward talking together, when he was talking about the costs of the water system?—I do not know.

2847. But I think you know whether it was an hour, or 10 minutes, or a quarter, or half an hour?—I do not think it was very long. It was not very long.

2848. How soon was that after the election? Do you mind that?—It was before the election.

2849. Where was your father at the time your mother and Ward were talking?—He was at his work.

2850. At Mr. Barbour's?—Yes; he was up at Mr. Barbour's.

2851. You heard some conversation between your mother and Ward, did you?—Yes.

2852. Do you mind what it was much?—I heard them talking about the cock.

2853. And about anything else?—I do not mind any more.

2854. Did you hear Ward say how he intended to vote? Did he say anything about the election?—I do not mind.

2855. When was this, in February, that Ward was at your mother's house?—Yes, it was in February.

2856. By the *Committee.*] Do you work at Mr. Barbour's mill?—No; my brother works there.

2857. Was any one else in the house with you and your mother when Ward was there?—No; I do not remember any one else.

2858. You do not recollect?—No.

2859. Are you quite sure that your father was at home on the night before Mr. Verner called upon your mother? That he was at home to tea?—I think he was.

[The Witness withdrew.

Mrs. Esther Miller recalled; Examined by the Committee.

Mrs. *E. Miller.*

2860. Will you be good enough to tell us again what passed between you and Mr. Ward?—No; I could not say anything concerning it, for I do not remember speaking anything concerning it to him in my life; never to him.

2861. You did see him, though, shortly after?—I saw him every hour, because he lives at the door with me.

2862. He came on a particular occasion to mend the watercock?—He nor I were ever talking anything about it.

2863. Did he come and mend the watercock for you?—I do not mind anything about that.

2864. *Chairman.*] You do not recollect that?—No; for once the water burst, and it was the man.

2864. That would be upon another occasion. Do you recollect, previous to the election, your watercock getting out of order?—No, I do not remember.

2866. By the *Committee.*] Has Ward at any time come to your house for the purpose of mending the watercock?—I never sent for Ward to mend the watercock myself, that I mind of. I do not remember ever doing it.

2867. Did you ever send to Mr. Bannister?—Mr. Bannister came.

2868. *Chairman.*] Does Ward work for Bannister, or Bannister for Ward?—They both live in one house like. Mr. Ward lives in the low storey, and the master lives on the top.

2869. Who is the master?—Mr. Bannister.

2870. Is Mr. Bannister a person who would mend

mend the watercock if it was out of order?—Yes; he often does it.

2871. And Ward often does it?—No. Ward might come in, and be talking with me at the time of doing it; but I do not remember ever asking Mr. Ward to mend any watercock.

2872. What is Ward's business? Does he keep a whiskey shop?—I do not know what business he is.

2873. What is Mr. Bannister's business?—He has houses.

2874. Is he your landlord?—Yes.

2875. By the *Committee.*] Did Mr. Bannister and Mr. Ward come together about this watercock?—I do not remember concerning this at all. I do not indeed.

2876. About what?—About Mr. Ward coming to mend the watercock.

2877. Did Mr. Bannister come?—Yes.

2878. Was Mr. Ward in the room at the time?—He might be in. I could not justly say whether he was in or not.

2879. Are you alluding to a particular occasion now after the election?—I do not know what time it was. That was a thing I could not tell.

2880. Did you send that little girl Margaret to fetch Mr. Bannister to mend the watercock?—I think I did.

2881. *Chairman.*] When was that?—I could not tell. I do not remember when it was.

2882. By the *Committee.*] When he came, was he alone?—Indeed, I do not know whether he was or not.

2883. Did he come?—Yes, he did.

2884. Did Ward come in during any part of the time that Bannister was there?—I do not know whether he did or not. He might, me not paying any attention to him. My business leads me through the house; and I am not standing always in the kitchen.

2885. Had you never any conversation with Bannister?—No, not any, to the effect of the election.

2886. And what did you talk to him about?—I went up to pay the rent one Saturday night when my husband was away.

2886*. When Bannister came in to mend the watercock, what did you say?—I do not remember what I said to him; but I said nothing to him about those affairs. I know particularly well I did not.

2887. Which affairs?—About the election affairs.

2888. How long was it after the election affairs?—Indeed I do not know.

2889. Have you never spoken to Mr. Bannister about the election affairs?—Yes, I did.

2890. What did you say to him?—He asked me how Robert was doing.

2891. Is that your husband?—Yes. I said he was just doing middling; and he came in, and said if my husband would come home he would go 100 *l.* bail to the Mr. Barbour's, the opposite party, that he would not poll.

2892. *Chairman.*] What did he mean by that?—I do not know what he meant.

2893. By the *Committee.*] What reply did you make to that?—I said that I would tell him.

2894. Tell who?—Tell my husband.

2895. Did you?—No, I did not, because he was coming home on the week following; so I did not go to tell him. I went to see him; but I did not talk to him about anything of the sort.

2896. Did you say anything else to Mr. Bannister?—Not that I remember.

2897. About the election?—No, not that I remember.

2898. You refused his 100*l.*?—No; he was not giving 100*l.* It was 100*l.* bail if the opposite party would touch him, that Mr. Bannister would not poll. He asked me how my husband was going on. I said he was just doing middling. He followed me down to the house, and he said, "If you bring Robert home, I will go 100*l.* bail to the Mr. Barbour's, that if the opposite party touches him I will not poll."

2899. Mr. *Clerk.*] If the other party would not touch him, he would go 100*l.* bail that he would not poll?—Yes; that is the word.

2900. By the *Committee.*] Did he say anything more?—No.

Chairman.] By "touched by the opposite party" she means touched by the "Vernerites."

Mr. *Clerk.*] Yes.

2901. *Chairman.*] You never repeated that conversation to your husband?—No.

2902. Did you say anything more to Mr. Bannister?—No, nor him to me.

2903. Was Ward present at this time?—He was not.

2904. This was not at the time that Bannister had come to mend the cock?—No, it was not.

2905. What I want to know is, what you said to Bannister when he came to mend the cock?—I do not know what I said, I could not tell, for I do not remember. I do not think there was any talk with either of us.

2906. You do not think that there was any talk about the election?—I do not think that there was.

2907. You swear there was not?—I would not be willing to swear, for I do not remember.

2908. Do you swear that Ward was not present at the time that the cock was mended?—I don't know whether he was or not. I do not know, indeed.

2909. Do you know whether Ward was a Vernerite or a Barbour man? Which side in the election was Ward?—I do not know.

2910. Was Bannister upon Verner's side?—Yes, I believe so.

Mr. *Clerk.*] I think that I might suggest what would explain a good deal, that Mr. Bannister was her landlord.

Chairman.] She said that.

Mr. *Clerk.*] And that neither Bannister or Ward are plumbers.

By the *Committee.*] One of them came to mend the cock; perhaps he was a plumber.

Mr. *Clerk.*] He was the landlord.

2911. *Chairman.*] It has been stated here upon oath, that you did send for Ward to mend the watercock?—If I did, I do not remember.

2912. Do you still adhere to what you previously said, that you did not send for him?—I do not remember.

2913. You do not recollect sending for him to mend the watercock?—I do not remember sending for him to mend the watercock. I do not, indeed.

2914. Did you send for him for any other purpose to come to your house?—No, not that I

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mind; because he is next door to me. I could speak to him any moment in the daytime.

2915. Did you talk to him about the election, either before or after the election?—Never, that I remember.

2916. Never up to this time?—No, I never remember talking to him about the election at any time.

2917. Did you ever talk to him about anything that Mr. Verner said to you?—No, not that I mind. I do not think that I talked to Mr. Ward concerning the election.

2918. That is not my question. Did you ever talk to Mr. Ward concerning anything that Mr. Verner said to you?—Not that I mind.

2919. Not at any time?—No, not that I mind.

2920. Did you ever talk to Mr. Ward about anything that Young had ever said to you?—No, I do not remember.

2921. What was the sign of the hotel you went to at Belfast; the Royal Hotel, was it not? Whereabouts was it? You know Belfast, I dare say?—No; I never was at Belfast beforetimes in my day.

2922. What was the sign of the hotel?—Indeed, I do not know.

2923. Who sent you to this hotel in Belfast—My husband came home from his work, and he and I went down.

2924. Did he show you any letter or writing, desiring him to send you, or desiring you to go to Belfast?—No. He just ran down and paid the train, and we went down; that is all I got of papers of any kind.

2925. Who gave you the card to bring you over here?—It was at an office in Belfast.

2926. How did you go from Lisburn to Belfast?—In the train.

2927. Who paid for your card on the train?—I paid 1 *s.* for the child and me.

2928. You returned home, after you had been to this hotel in Belfast, before you came over here?—Yes, it was shortly after.

2929. How long was it that you were at home between being at the hotel in Belfast and coming over here?—I do not know whether it is a week against Thursday, or a fortnight against Thursday, but I think it was on Thursday.

[The Witness withdrew.

Mr. John Orr was called in; and, having been sworn, was Examined by Mr. *Clerk*, as follows:

Mr. *J. Orr.*

2930. Are you a carrier at Lisburn?—Yes, I draw goods for people with a mule.

2931. You are a voter for Lisburn, I believe?—Yes.

2932. Did you vote for Mr. Barbour in February?—Yes.

2933. I believe you voted for Mr. Richardson in June?—Yes.

2934. Do you remember Mr. Verner coming to Lisburn at the February election?—Yes.

2935. A few days after he had come, do you remember seeing him?—I saw him passing along with the other people, but I would not know his face; I never spoke to him; they showed him to me, and told me that was Mr. Verner in the middle, between Mr. Thompson and Mr. Jefferson.

2936. Do you know Mr. Redmond Jefferson?—Yes.

2937. *Chairman.*] Is that the Mr. Jefferson whom you meant when you said, "they showed Mr. Verner to me between Mr. Thompson and Mr. Jefferson"?—Yes.

2938. Mr. *Clerk.*] Some few days after Mr. Verner came down to Lisburn, did a person of the name of Alexander Wilson come with a message to you?—He came and told me that Mr. Redmond Jefferson wanted to speak with me.

2939. Who does he work for?—He works for everyone that employs him; he is a kind of carpenter; he makes coffins for Mr. Jefferson; he made a car body for me, and he had a lodging with me at the time.

2940. Did you go down with Wilson?—Yes.

2941. Where did you go to?—Into his shop.

2942. Whose shop?—Mr. Jefferson's.

2943. Where is that in Lisburn?—It is by the sluice bridge in Bow-street.

2944. When you got down to Redmond Jefferson's, what did he say to you?—He asked me had I promised my vote to anyone; I told him that I had not; and he asked me how much would please me for it, and I said I did not know.

2945. Did he ask you to vote for anyone?—He asked me would I be on his side.

2946. What did he do then?—He held up his hands that way (*the Witness held up his hands*) and asked me would that many notes please me; that would be 10 *l.*; I said I would rather have more; and he said would that added to it do? (*the Witness held up his hands again*). I said that I did not know, but I would see him again.

2947. *Chairman.*] What did you understand by Jefferson saying to you, would you be on his side; whose side was Jefferson on?—I understood that he was on Mr. Verner's side; he was always with Mr. Verner's crowd when I was there; they told me it was him.

2948. Mr. *Clerk.*] Did you see Redmond Jefferson more than once with a person pointed out to you in the street as Mr. Verner?—Yes.

2949. Did you see him with that gentleman more than once?—Yes.

2950. And you mentioned Thompson?—Yes.

2951. What Thompson was that?—It is a man that keeps a shoe shop opposite the door on the opposite side of the street.

2952. Opposite the side of the street to Jefferson?—Yes.

2953. Do you know a man of the name of John Herman at Lisburn?—Yes.

2954. What is he?—He is a man who keeps a shop next door to myself.

2955. Do you know David Beattie, a tanner?—Yes.

2956. About the time of the February election, did you see either of them going about anywhere?—Yes.

2957. Where?—I saw them with a man that told me it was him.

2958. Should you know that gentleman by sight again?—Mr. Verner?

2959. Yes?—I should not; I should not know his face.

2960. When Redmond Jefferson did that with his hands, you told him that you would see him ag ain?—Yes.

2961. Did

2961. Did you see him again before the February election yourself?—No, I did not.

2962. What became of you; did you stay at home, or go anywhere?—I was drawing to Mr. Barbour's, and I stayed there when I went down.

2963. How long did you stop there?—I think that I went there on the Wednesday, and the election was not till Saturday week.

2964. You stopped at Barbour's all that time?—Yes, I think about nine days, to the best of my knowledge.

2965. Were you summoned as a witness last spring to come and give evidence against Mr. Barbour?—I was, and was summoned at Belfast.

Chairman.] He was not examined here.

2966. Mr. *Clerk.*] No, he was only summoned (*to the Witness*). You were not brought over here.

2967. Do you remember the last election for Lisburn; the June election?—Yes.

2968. Now, we are going to the June election; at the June election, did anyone ask you for your vote?—Yes, Mr. Jefferson and Mr. Herman, both.

2969. For whom did they ask you to vote?—For Mr. Verner.

2970. Was anything said to you about your vote?—There was.

2971. By whom?—By Mr. Jefferson.

2972. I am speaking of June now?—Yes.

2973. What passed about your vote in June?—He asked me was I going to be on his side this time, or Mr. Verner's side.

2974. What did you say to that?—I said I would not, and he asked me the reason why; I said that I had promised it to Mr. Robert Barbour.

2975. Was anyone with Mr. Redmond Jefferson this time?—Not that I remember.

2976. What passed then?—He asked me was I going to be on his side this time, and I said "No;" and he said that I was foolish; he said that the dean and Mr. Walter Stannaus were going to vote for him; he said they were going to vote for Mr. Verner this time, and I said I did not care; he said if I had any benefits, they thought that they would be taken from me; I said at the first election I had made a promise, if they would not interfere, I would give my vote to Mr. Barbour; and they did not interfere; none of them came to me, neither by letter or by word of mouth; and I would not break my word.

2977. What do you mean by saying that they did not interfere?—They did not send me any letter, nor any word to vote upon any side.

2978. Did anything more pass between you and Redmond Jefferson at the time of the June election, about your vote?—No; he said that I would be sorry for it after it was over.

2979. Did you see that John Herman, whom we have already mentioned, who lives opposite Jefferson?—He does not live opposite Jefferson.

2980. I thought you said so?—No.

Mr. *Cooke.*] It was Thompson.

2981. Mr. *Clerk.*] Where does Herman live?—He lives next door but one opposite where I live myself.

2982. Did John Herman, at the June election, say anything to you about your vote?—Yes.

2983. Tell us what that was?—He came up to me. I was drawing away a bag of stuff for a man of the name of M'Guinness, that I had taken by the lump, and he came up and told me that he had 65 *l.* to give for a vote, and he said, "John, will you give me yours?"

2984. *Chairman.*] Who was with him?—There was no one with him. There was a man working with me. It was before that man.

2985. Herman came up to you alone when you were at this bank?—I was not alone, one man was with me.

2986. But Herman was the only man who came to you?—Yes, Herman was alone.

2987. By the *Committee.*] What was the name of the man with him?—A man called James M'Gourke, and another man that was called William Close.

2988. Did Herman say it in their hearing?—Yes. He spoke it openly, as I am doing now.

2989. Mr. *Clerk.*] Was your wife working with you?—Yes. He went up the road, then, again, and put his hands in his pockets, and pulled out papers, but whether they were notes I could not say. There were papers in his hand. He asked me, would I take it, and I said, "No." I said that I had promised mine to a man named Dennis Kelly.

2990. You say he pulled out some papers from his pocket, but what they were you could not say?—No.

2991. Then he went up the road?—Yes.

2992. Who is Dennis Kelly?—He is a man who works at labour, and he and I were talking, and he said if he had a vote he could get 10 *l.* for it. We were talking about the voting, that this time there would be no money for voting, "And," said he, "if I had a vote I could get 10 *l.* for it." I said, "If I thought that you could get 10 *l.* for it, I would give you mine." That is the way the thing came round, and I told Herman that when he asked me.

2993. Dennis had no vote?—No, he was a poor man. He asking me that way before the men, I thought that he was making fun. I did not know what was his end for doing it. I thought he should not have done it so publicly.

2994. *Chairman.*] Did you not say those things had better be done in private?—No, I did not say so.

2995. You thought that he should not have done it in public?—Yes.

2996. Mr. *Clerk.*] Did you tell Herman that Dennis Kelly had said so?—Yes. I told him that which had passed between him and me.

2997. You told Herman this?—Yes.

2998. Upon that, did Herman go away?—He went up as far as where the priest lives, which is about 10 or 12 perches, and by this time my wife was with me. He was not many minutes away. He went up the "Priest's Lane."

2999. Then he came back again?—Yes, she came up and told me.

3000. Do not tell us what your wife told you. Did he speak to your wife, who was working?—She was working when he came back again.

3001. Was she working where you were?—Yes. He came back again.

3002. To this heap of gravel?—Yes.

3003. Did Herman say anything to your wife in your hearing when he came back again?—Yes.

3004. What did he say?—He said he wondered to see Mrs. Orr working when she could get so much for her vote. He had offered 65 *l.* to her; he had offered that to her before she came up to me in the house.

3005. Did your wife say anything to that?—She said, "I am sure you would, Mr. Herman, for you are the man who offered it yourself."

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3006. Mr. *Clerk.*] Was this what your wife told you?—Yes.

3007. You do not attend to my question, which was this; did you yourself hear Herman make any offer to your wife?—No, I did not.

3008. When Mr. Herman came back, and your wife was there. Did you hear Herman say anything to your wife then about her working?—I told you that he said he wondered to see Mrs. Orr working, and was offered so much for her vote. She said, "I am sure you did, Mr. Herman, for you are the man who offered it yourself."

3009. You had a mule?—Yes; some call them mules, and some call them "jennets." I do not know which it is; whether it is a mule or what.

3010. Had you any conversation with Redmond Jefferson about your mule?—No.

Cross-examined by Mr. *Cooke.*

3011. You had a mule I think, before the February election?—Yes.

3012. Before you went to Mr. Barbour at Hilden, where you stopped nine days?—Yes.

3013. You were with the large batch of voters that lived in the neighbourhood, were you not?—Yes.

3014. Did you go to bed during that time?—Yes.

3015. Did you take your clothes off during those nine days?—Yes.

3016. Who was it took you down to the factory of Mr. Barbour's?—Nobody took me, I was drawing timber down there.

3017. And they kept you there?—I stayed when I was there.

3018. You were taken by somebody, and you stopped?—I was taken in to see the voters; there were a good number of voters there before I was.

3019. Do you mean you were not asked to be kept?—No.

3020. Who was the man that prevailed upon you to join the great many voters who were there?—The voters' selves, and the people that were about there.

3021. I ask you who was the man who asked you for your vote for Barbour?—Mr. Robert Barbour, and Mr. John Barbour, both of them.

3022. After the election was over in February, did you get a different horse, a different animal to draw your car to what you had before?—No.

3023. Do you mean to say that you have the same mule now that you had?—I had the same mule all the time.

3024. Have you got a second?—No, I had two at that time, and I sold one of them since.

3025. Do you know Robert M'Cann?—I do.

3026. Is he a man who occupies land, and does a little farming?—Yes.

3027. Did he find you with your mule and car in his field?—No, he never did.

3028. Was the car in the road and you in the field?—We were both in the road.

3029. Did he not charge you with taking corn from his field?—He did.

3030. How much had you got from his field?—I do not know how many sheaves.

3031. When was that; since the last June election?—Yes, three or four years.

3032. Do you mean to swear that Jefferson held up his hands, and said, will that many notes please you?—Yes, I do not mean to swear any lies.

3033. Who was present, anybody?—I do not remember anybody being present, it was the left side of the shop.

3034. What time of day was it that you say Herman was there, when your wife was present?—I could not just say to the minute, but it was in the afternoon, after dinner.

3035. Your wife is in London, I am told?—She is.

3036. Is William Close here?—No, not that I know of; I do not see him.

3037. Was it after dinner that this conversation took place?—Yes.

3038. Where was your wife at the time Herman came up and first of all said to you, I have got sixty-five pounds to give for a vote; John, will you give me yours?—This man wants me to swear things I cannot swear.

3039. Where was your wife at this time?—I cannot swear.

3040. Was she in sight?—No, she was not; how can I swear to the thing I cannot see. These are not fair questions for me to say.

3041. Was your wife within sight of you at the time when Herman came?—I did not see her.

3042. Do you know where she was?—I do not.

3343. How soon did you see your wife after Herman had said this?—I suppose in about five or ten minutes, it may be a few minutes afterwards.

3044. Where you near your house when he came up?—About five-and-twenty perches.

3045. From your house?—Yes, from where I was working to where I lived.

3046. When he left you, did he go in the direction of your house?—No, he did not.

3047. The opposite way?—Yes.

3048. From which direction did your wife come to you?—I did not look at what direction she came in, for I was down working in the pit, and she came in the pit.

3049. You did not see your wife until she came up to the place where you were working?—No, I was not looking for her, and did not see her.

3050. When she came up to you she came to you without your being aware of her, having your head down; how soon after she came to you, do you say Mr. Herman joined you both?—I cannot say, a few minutes.

3051. Was there any other person present but you and your wife, when Mr. Herman was there the second time?—Yes, there were the men working, William Close and James M'Gourke.

3052. Did you give those names to the people who spoke to you about being a witness?—Yes.

3053. Have you seen them up in London?—I have not.

3054. When were you first spoken to about this conversation with Mr. Herman about the 65 *l.*?—I never was spoken to about that.

3055. Has any gentleman spoken to you about giving evidence here?—Any gentleman?

3056. Yes; or a lady?—About giving evidence?

3057. Do not repeat the question, but answer it; when did you first give information about what you have told us to-day to anybody?—I gave it in Belfast.

3058. To whom?—I think they call the man Mr. Henry.

3059. Look round, and tell me if this is the gentleman

gentleman behind you (*pointing to a gentleman in the room*)?—Yes.

3060. When was that?—I could not just say.

3061. About?—I suppose it is about a week ago, or a fortnight ago.

3062. Was that the first time you had mentioned about those 65 *l.* offered from Mr. Herman?—It was mentioned long before that.

3063. Tell me who it was you spoke to first about having had an offer of 65 *l.* from Herman?—There were different people talking about it. I was talking to different people; they asked me the questions.

3064. What questions?—Had he done so.

3065. Had Herman offered you 65 *l.*?—Yes.

3066. Tell me any one person who asked you that that I can send for?—I got it wrote down, and sent it to Mr. Barbour.

3067. Was that before the last petition?—It was.

3068. Before the last election, I mean; before Mr. Barbour was turned out; or was it since?—It is since.

3069. Was that about three weeks ago, then?—No, it was after that was told.

3070. I know that; but was it soon after the June election, or was it lately?—Soon afterwards.

3071. You got it wrote down?—Yes.

3072. What money did you receive; I will come presently to Hilden; what did you get after the February election?—I got nothing at all.

3073. Do you mean to swear you had no money?—Yes, I do.

3074. Nor for the June election?—Nor anything for the June election.

3075. Did your wife get anything for you?—I will not swear that.

3076. Do you know what your wife got for your vote at the February election?—I know of nothing.

3077. What did she tell you she had got?—She did not tell me; she was angry with me for going to Belfast, and staying. She could have got plenty of money, she said, if I had staid at home.

3078. Were you dancing and fiddling, and at every kind of amusement at Barbour's for the fortnight?—Yes.

3079. You say you went to bed?—I think that has been proved; there were no beds there.

3080. Do you mean to say there were no beds supplied to you?—Yes.

3081. There were 30 or 40 other voters there besides, were there not?—I could not tell the number.

3082. Well, so many?—There was a good number.

Chairman. He never said there were several voters.

Mr. *Cook.* I can go over the list; I need not fatigue you with it.

Mr. *Clerk.* I admit, and freely, that Mr. Barbour's voters were confined at Hilden Hill just as your's were at Belfast.

Chairman.] But do not put numbers into a witness's mouth, unless you intend to prove them.

Mr. *Cooke.*] I have the lists.

Chairman.] I should think you would be content with the answer that there were several voters at Mr. Barbour's.

3083. Mr. *Cooke.*] If I understand you, you told Denis Kelley, that if you could get 10 *l.* for your vote, you were willing it should be had?—Yes.

3084. What did you get for your vote in June?—I got nothing.

3085. What did your wife get?—She got nothing; she told me I gave it to the man that never asked for it; I gave it to Mr. Richardson, and he never asked me.

3086. Did Mr. Quinn come to you about your vote for Barbour at the first election?—There was a man they called Quinn.

3087. One of Mr. Barbour's men?—They told me he was Mr. Barbour's man.

3088. Now attend to me and take care of your answer; did not Quinn promise you a sum of money if you voted for Barbour?—No, he never did to my knowledge.

3089. What did he say to you about your vote for Barbour?—I could not just remember the words.

3090. You could recollect everything Mr. Herman said and Jefferson said; tell us what Quinn said?—He wanted me to go down to Hilden; I said I did not know whether I could or not; I think that was the most that passed; I was there nine days you see.

3091. You told me a short time ago you went down yourself hauling timber, and were not taken there by anybody?—Yes, I have said so.

3092. I shall have your wife here presently, so take care what you say; do you mean to swear that you never knew from her what money she had received for your vote at the February election?—Yes.

3093. Do you know what she did with it?—No, I do not.

3094. What money have you had given you to come to London?—There was money left with the summons.

3095. What was left with the summons?—There were 5 *l.* 5 *s.* on the top of it.

3096. Did you pay your fare to London?—No, I got a ticket.

3097. Have you paid anything since you have been in London?—Nothing.

3098. Where is 5 *l.*, have you got it, or has your wife?—Yes.

3099. Your wife has got it?—Yes; part of it was laid out on the house and part of it we have yet.

3100. I suppose you bought some smart clothes?—No we bought no clothes.

3101. Had you the clothes given you as well?—No, I had the clothes before.

Re-examined by Mr. *Clerk.*

3102. Was this 5 *l.* 5 *s.* for yourself and your wife?—Yes.

3103. You say that the account which you gave of what took place at the June election, was written down?—Yes.

3104. In a letter to Mr. Barbour?—Yes.

3105. Was it written by James M'Gourke?—It was.

3106. Was it written down in your presence?—It was.

3107. Did you tell James M'Gourke what to write down?—James M'Gourke knew for he was present.

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3108. Look and see if this is the letter which was written (*handing in a letter to the Witness*)? —I cannot read.

Mr. *Clerk* stated that he should have to ask for an order for the attendance of James M'Gourke.

Witness.] James M'Gourke could tell if he were here.

3109. A letter was written by James M'Gourke in your presence?—Yes, he wrote a letter, but whether it was that one I cannot say.

3110. Was it read over to you by James M'Gourke?—It was.

3111. Can you tell me, how long after the election, as well as you can recollect it was, that James M'Gourke wrote down that statement?—It was a day or two.

3112. A day or two after the June election?—Whether it was the next day or two I cannot say, but I think it was immediately after. I think it was, but I am not sure. It was so long since that I could not just say.

3113. You say it was soon after?—Yes, after it was told a day or two.

Chairman.] I suppose there is a date to that letter.

Mr. *Clerk.*] There is, but unfortunately I cannot put it in evidence.

Chairman.] We shall arrive at that knowledge if the letter is properly proved.

3114. Mr. *Clerk.*] Was that letter sent to Mr. Barbour?—Yes.

3115. Just tell me about this business as to the corn. You say it was three or four years ago?—Yes.

3115*. Did M'Cann take any proceedings against you about that?—He summoned me.

3116. Where?—At the Lisburn Bench.

3117. What was done?—They settled to give him his expenses and paid him the summons and settled it.

3118. Were you in prison?—I never was in prison in my day. I took a sheaf on the road when I was travelling; different times I have taken a sheaf for my horse many a time out of a man's field.

3119. *Chairman.*] Who paid M'Cann's expenses on that occasion?—I gave the shilling, the price of the summons, and he said Mr. Briggs and them would not let them go any further.

3120. Mr. *Clerk.*] Now tell me one thing more about it. What time of the day was it that you were passing along the road?—It was not on the road at all; it was down a back entrance.

3121. What was it you did?—I took two or three sheaves of corn.

3122. What did you do with them?—I put them in the car as I was passing by. I have taken many a sheaf. It is the only charge made against me these eleven years, at Lisburn, to my knowledge.

3123. You have said that you have told Mr. Jefferson that you had promised your vote to Barker?—Yes.

3124. And if they did not interfere you would do so?—Yes.

8125. Whom do you mean by them?—Mr. Stannaus and the Dean.

3126. You mean the Dean and Mr. W. Stannaus, if they did not interfere to ask you, you should vote?—Yes; and if they would ask me for my vote I told them I would give it on the side they asked me to give it.

3127. Mr. Jefferson having previously said to you that it would be the worse for you if you did not vote for Verner?—Yes.

3128. When Herman asked you for your vote in the presence of M'Gourke and Close, you told him that you had promised it to Dennis Kelly?—Yes.

3129. What made you tell him so?—I just thought that he would not come there in a public place to say such a thing, and he came on me so suddenly that I did not know right what to do, and I thought he was making fun of me.

3130. You thought Mr. Herman was making fun of you?—Yes, or he would not come in the presence of these men.

3131. Or any number of men?—I did not know. I could not tell his meaning for that.

3132. Is it not the custom in Lisburn to ask for votes in the presence of many people. Is it generally a coversation between two and three other people?—They asked me before. Three different people asked me for my vote.

3133. By the *Committee.*] You thought it as much a joke when Mr. Herman said I have sixty pounds to give you for a vote as you did when Dennis Kelly said if I had a vote I could get ten pounds for it. They were both made in joke?—Dennis Kelly was saying if he had a vote he could get ten pounds, and I said if I thought that I would give him mine.

3134. You thought he was in joke?—Yes; that was all that passed between Dennis and I, and I thought Herman was joking also. Dennis had no connection with the Election. It was what passed between him and me, and I told Herman of it.

[The Witness withdrew.

AGNES ORR was called in; and, having been sworn, was Examined by Mr. *Clerk*, as follows:

Agnes Orr.

3135. YOU are the wife of John Orr?—Yes.

3136. A short time before the February Election did your husband, John Orr, leave his home?—Yes, the first Election.

3137. He went up to Mr. Barbour's, did he not?—Yes; he was drawing timber.

3138. Did he come home or did he stay there?—He stopped there.

3139. Until the time of the Election I think?—Yes.

3140. During the time that your husband was away from home at Mr. Barbour's, did Mr. Verner call at your house?—He did.

3141. Do you recollect about how many days after your husband had been away from home?—I do not know. I was put about with him being away and nobody there but myself.

3142. You do not know how long it was?—I do not.

3143. Did anybody come with Mr. Verner?—Yes, Mr. Beatty.

3144. Is that Mr. Beatty the Tanner?—Yes.

3145. Mr. David Beatty?—Yes.

3146. Anybody else?—There was another gentleman, but I did not know him.

3147. Where

3147. Where were you when they called?—I was in the shop.

3148. What shop do you keep?—We sell rough meat and everything not licensed, we do not pay any license.

3149. You sell soap, candles, and bacon?—Yes.

3150. When Mr. Verner called and Mr. Beatty and this other gentleman, and they came into the shop?—They did.

3151. What was the first thing that took place?—They said they could not get speaking to me. Was there any place I could get speaking, and I said there was if they would just come round the hall.

3152. *Chairman.*] Who said that?—Mr. Beatty.

3153. Mr. *Clerk.*] Were there any customers or strangers in the shop at the time?—There were.

3154. Had you shaken hands with Mr. Verner when he first came in?—I do not mind; I was not quite sure it was Mr. Verner; he told me it was Mr. Verner; I knew Mr. Beatty.

3155. Who told you it was Mr. Verner?—It was Mr. Beatty.

3156. Did you then shake hands with Mr. Verner?—Yes.

3157. Where did you take them to as a more convenient place to speak?—I went in a front room of my own.

3158. Up stairs?—Yes.

3159. What sized room is it?—It is a large room.

3160. How large. Can you give us any idea?—I could not say.

3161. Do you know how many feet it is?—I do not.

3162. Who went up into this room?—Mr. Verner and Mr. Beatty, and I did not know the other gentleman.

3163. The other gentleman went up too?—Yes.

3164. *Chairman.*] You went up?—I did.

3165. Mr. *Clerk.*] Can you describe the strange gentleman whom you did not know?—I did not look very particularly at him, indeed it was Mr. Beatty who was talking to me all the time.

3166. When you got into the room was there any conversation about your husband's vote—"John's" vote?—Yes, he asked me.

3167. Who asked you?—Mr. Beatty; he said he hoped I would make John support Mr. Verner, and I said I had nothing against him.

3168. Could Mr. Verner hear this conversation?—He did; they were both standing; I gave them a chair, and I do not remember other than them sitting down.

3169. What more did you say about John's vote?—I was like many of the rest, I was wanting something from Mr. Beatty; he said he would not do anything worse than the rest, but he could not do anything for me at present.

3170. *Chairman.*] Did you ask Mr. Beatty for any money for your husband's vote?—I did.

3171. What was Mr. Beatty's answer?—He did not say anything.

3172. Mr. *Clerk.*] What did you ask Mr. Beatty? Did you mention any sum of money?—I did.

3173. What did you say?—I said I would not be willing to take less than 50 *l.*, for I heard it was going.

3174. What did Mr. Beattie say to that?—He said he could not do anything for me at this time.

3175. What was it you said just now about his not being worse than another; when was it he said that?—That was at the same time.

3176. What was it he said?—When I was asking him he said he would not do anything worse than another.

3177. *Chairman.*] Then, did you not say, that he said, he could not say at present?—Yes.

3178. Mr. *Clerk.*] At that time, did Mr. Verner say anything to Mr. Beatty?—Yes; when he heard me coming on him so close; for I was saying, "I would not let him give his vote for anything under that;" he asked me, did I ever hear anything that was not clever to Mr. Beatty; and I said, "I never did, from my acquaintance of him."

3179. *Chairman.*] Mr. Vernon, asked you that?—No; it was Mr. Beatty.

3180. Mr. Beatty asked, "if you had ever heard anything that was not clever to the Mr. Beatty?"—To the Mr. Beatty.

3181. And you said, "you never had?"—Yes; "I never had, from any acquaintance I had with him."

3182. Mr. *Clerk.*] Did Mr. Verner say anything, then, to Mr. Beatty?—I do not remember him saying anything; when he heard me coming so close to him he said, "let him and this other gentleman go down stairs, and Mr. Beatty would talk to me."

3183. Did Mr. Beatty, and the other gentleman, then go downstairs?—They did.

3184. Did Mr. Beatty stay in the room, with you, upstairs?—He did.

3185. What passed, then, between you and Mr. Beatty; what did Mr. Beatty say?—He said, he would be back again, and then he never came back again; for that was the very day they came and took John, wherever he had been.

3186. You say, Mr. Verner and the other gentleman went down stairs, and Mr. Beatty stayed in the room?—Yes.

3187. Had you any conversation with Beatty, after they went downstairs?—He was to be back with me, and he did not come; for I think, they heard he was away.

3188. *Chairman.*] When Beatty remained in the room with you, did any further conversation take place between you and Mr. Beatty?—Indeed I could not name it; but he told me he would be back with me again, and he never came back again.

3189. Was that before he left the room or on some other occasion?—Yes; before he left the room.

3190. Mr. *Clerk.*] Was anything said about your husband not being at home or coming home?—No; for I was depending on him coming home as usual.

3191. You mean to tell us that after Mr. Verner said to Mr. Beatty that they would go downstairs while Mr. Beatty talked with you, that you had no conversation with Mr. Beatty, when he was so long in the room?—It is so long since that I do not mind, but I remember his telling me that he would be back with me again.

3192. What was the conversation that passed between you and Mr. Beatty when Mr. Verner went downstairs. How long did he stay with you?—A few minutes.

3193. What was he doing during those few minutes?—He was not doing anything but resting with his elbows on his knees.

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3194. Did he sit there without speaking?—No; he was not sleeping.

3195. I asked you whether he sat there without speaking to you?—No; I do not remember.

3196. What did he say?—I do not remember him saying anything but asking me if ever I heard anything that was not clever to the Mr. Beattys, and different things such as that; but I do not remember anything more. He parted with me to be back with me, but he did not come.

3197. When Beatty left you, you say he said he would come again?—Yes.

3198. Did he go downstairs?—Yes; and they all went out together.

3199. Where was Mr. Verner and the other gentleman?—I think they were in the hall standing till he came down. Then I came down hindmost, and they went out together.

3200. All the three, Mr. Verner, Mr. Beatty, and the other gentleman went out of your house together?—Yes.

3201. Did a person of the name of Alexander Wilson come to you after that, either that day, the next day, or some day after?—Yes; different times.

3202. Do you remember his coming to fetch you one day?—I do.

3203. How soon was that after the visit Mr. Verner paid with Mr. Beatty?—It was not long. I do not remember what time it was, but I remember my going down after Mr. Wilson.

3204. It was after Mr. Verner's visit?—Yes.

3205. Was it before the February election?—Yes; before the first election.

3206. Did you go down with Wilson to Jefferson's?—I did not go down with him, but I went down after him.

3207. Wilson gave you a message, did he?—Of course he did.

3208. Did you go down to Redmond Jefferson's?—I did.

3209. Did you go into the house?—I went into the shop.

3210. He was upstairs, I believe, at the time you got there?—He was.

3211. Did he come down to you?—He did.

3212. When he came down what did he say?—He asked me was John at home, and I said he was not.

3213. What did he say then?—He said was I not intending to bring him home, and I said I was, for I was very angry; I was angry at his speaking.

3214. Did you know where he was at this time?—I did; I knew very well; they told me that he was at Hildon.

3215. What passed after this between you and Jefferson?—He said that if I would go with him he would go along with me and get me the order to bring him out; I said that I had been twice at Mr. Barbour's in the day, and that I was tired of going backwards and forwards with being put about, and I would first let it stand till the morrow, and then Mr. Jefferson got into a passion.

3216. *Chairman.*] You said that Mr. Jefferson said to you if you would go with him, he would get the order to get John out?—Yes.

3217. What occurred then?—He got his hat to go, and when I saw him getting his hat I took fear to me; for thinks I if I go and he does not come with me the whole town will be laughing at me, and I will not go. I just opened the door; he said if I was to bring him out he would give me 25 *l.*; I did not get the money that he promised.

3218. Mr. *Clerk.* What was it Redmond Jefferson said to you when you were at the house about the 25 *l.*?—He offered me 15 *l.*, and I said it was no use; he said what did I want? I still had it over again that I wanted 50 *l.*, and he said he would reach no further than 25 *l.*

3219. *Chairman.*] He first of all offered you 15 *l.*?—Yes.

3220. You then said it was no use, you wanted 50 *l.*—Yes.

3221. Jefferson then said he would not go further than 25 *l.*?—Yes, that was the truth.

3222. Mr. *Clerk.*] In what way or how was it that he offered you the money, first the 15 *l.* and then the 25 *l.*?—He said as soon as I would bring him out the money was ready.

3223. How did he offer it, did he mention it?—No; he just said he would give 25 *l.* if I would bring him out, but he would not give it to me till I would have him out.

3224. What did you say to that?—I did not say anything, I just quitted him.

3225. Did you tell your husband of this when you saw him after the election?—I did.

3226. You were very angry with him, were you not?—I was very angry with him for leaving me at home and nobody to mind the place but me and two young children.

3227. Had you seen Redmond Jefferson on other occasions during the election besides this day; you saw him at the house?—I had been twice; he had sent for me different times to come down, and sent for me to come up to Mrs. Lennon's; that is the inn.

3228. *Chairman.*] What is the sign of the inn?—It goes under the name of the Haydens; I heard it called so at Lisburn; she is a widow woman, Mrs. Lennon's.

3229. Mr. *Clerk.*] Is it the Hertford Arms?—I think so.

3230. Is it Mrs. Lennon's house?—Yes; I did not like to go to a public-house.

3231. Did you ever go to Redmond Jefferson at Lennon's?—I never did; I was angry.

3232. During the election, had you ever seen him about in the streets going with anyone?—I did regularly, going down what we call the Ellesborough-road, when I was going out to the fields.

3323. Who was he with?—He was mostly with Mr Beatty, and other gentlemen; I do not know who.

3234. Who where they going with at that time?—The whole were just walking about; I could not say where they had been to.

3235. Did you ever see Mr. Verner in the streets?—I was not quite sure; Mr. Verner had come in, and they told me it was Mr. Verner.

3236. You only know that from what Mr. David Beatty told you?—Yes, he told me it was Mr. Verner, and I shook hands with him.

3237. Had you ever seen that gentlemen walking about in the streets?—I had, regularly; with different gentlemen.

3238. Who were the gentlemen that you saw going with that gentleman, who, you were told, was Mr. Verner?—I could not take on me to say, for, indeed, I am not sure of that.

3239. *Chairman.*] Did you ever see Jefferson walking in the street with the gentleman whom Beatty told you was Mr. Verner?—Yes.

3240. On more than one occasion?—Many a time he was passing down; I was astonished at

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Mr. Verner's calling on me. I said I thought, maybe, I was a poorer class than Mr. Herman.

3241. Mr. *Clerk.*] Did anybody have any talk with you about your husband's vote at the June election?—Yes. Mr. Herman came in at different times; he came in once at the last election. Mr. Verner never was in but this once at the first election, and once at the last election.

3242. *Chairman.*] Who was with Mr. Verner, when he called at the last election?—Mr. Herman was with him. I do not remember Mr. Beatty being with him. I think he was angry with me; Mr. Herman was there.

3243. By the *Committee.*] Mr. Herman came with Mr. Verner at the June election?—Yes.

3244. Mr. *Clerk.*] Did Mr. Verner ask you whether your husband would vote for him?—He did. He said he hoped I would support him at this time; I said I hoped I would not have the trouble I had the last time. I was just churning when he came in.

3245. Do you remember one day this Herman calling on you before he and Mr. Verner came to your house?—Yes, he did.

3246. Where were you at the time?—I was baking bread in the kitchen.

3247. Did you go to him?—I did not, for I was angry on account of his coming in.

3248. Did you hear him ask for you?—He asked if this was where Mr. John Orr lived; there was an old woman, who does the work for me, and she was standing outside. "No," said she; "Mrs. Orr is here, but Mr. Orr is not here."

3249. *Chairman.*] It was Herman who asked for you?—Yes.

3250. Mr. *Clerk.*] What passed then?—Then he came forward and said, where was Mr. Orr?

3251. Who to?—To me.

3252. You were baking?—Yes.

3253. He said, "Where is Mr. Orr?" What did you say to that?—I said he was at his work; that he was taking away stuff for Mr. M'Guinness.

3254. Did Herman say anything to you at that time about your husband's vote?—He said he had 65*l.* for his vote, and he had better be solid this time.

3255. What did you say?—I do not remember what I said; I was in a bad temper at him coming in at all. I could not understand what he meant. It was just before the last election, a day or two before the poll.

3256. Was there any person present?—No one but that old woman, and she passed the remark and said she would give her vote; and he said, "I do not want your vote; your vote is no use."

3257. Who was that old woman?—We call her Margaret Ribbons; she has been about me these six years.

3258. Where is she now?—She is with me.

3259. What state of health is she in?—She was lying for eight days or thereaways before I left home very ill.

3260. Is she able to leave her bed now?—Indeed I do not know; I have had no account since I left home.

3261. When you came away what state was she in?—She was very ill; she was scarcely able to come downstairs.

3262. A short time after you had had this conversation with Herman, were you out at work at the sandpit?—I was. When I had baked the bread I went off to my husband and to the men. I was in a bad temper, and I said Mr. Herman had been with me, and bid 65*l.* for the vote.

3263. That is not evidence; you made a statement. Did you tell your husband and these men?—I did.

3264. Who were the men?—There was a man called M'Gourke, and one they called Close. I do not know what they called M'Guinness's man. He had a servant-boy working with him too.

3265. While you were at the pit were you doing some work with a pick yourself?—Yes, I was.

3266. While you were there did Herman come up to you again?—He did. I think he had not time to be further than away past where the men had been working.

3267. What was it Herman said when he came up to you, and when you had a pick in your hand?—Yes; he addressed me, and he said, "What! Mrs. Orr with a pick in her hand, and me here bid 65*l.* for the master's vote!" I just turned round, and I said, "Yes, for you are the very gentleman who bid it to me." I turned round and was angry with him; I did not know what he meant.

Cross-examined by Mr. *O'Malley.*

3268. What is your husband?—Do you mean what he works at?

3269. Is he a labourer?—No; he draws for the town and for ourselves, as we stand in need.

3270. "Draws!" What do you mean? A sort of carter?—Yes.

3271. He keeps a donkey and cart, or a mule and cart?—Sometimes we have three.

3272. Has he land?—Yes, we have.

3273. Where is that?—Well, it's a wee bit out of the town, just down below what we call the poorhouse.

3274. How much land has he?—Indeed I do not know; I could not be accountable for the parks; I do not know what is in them. Mr. Walter told me I had five acres and better. I do not know the way the parks are set off. I could not say anything about them.

3275. He goes jobbing about?—Yes.

3276. You say you were very angry with the party?—I was; taking him off his work: against any party, I do not care who.

3277. Which of them was it took him off his work?—I don't know; I was angry with any of them taking him off his work.

3278. Angry with them for taking him off his work?—I said so.

3279. Which of them?—Mr. Barbour's; that was where he stopped.

3280. Where he was drawing timber?—As he was drawing a load of timber, they laid hold of him and kept him there, and he stopped of his own free will.

3281. Then you ought to be angry with him?—I was not angry with them; I did not say I was angry with them.

3282. Angry with the party?—I said angry at him.

3283. Angry with him staying away?—I was.

3284. But he was well paid for it?—I never got anything.

3285. Did not your husband give you the money that he got?—Indeed, he never did; I never received any money.

3286. If anyone has said you got money for it, is it wrong?—If they can say that, and can

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prove that I got money, it is all right, and I am willing to put up with it.

3287. Did you get money or not?—No, I did not.

3288. No money?—I got no money.

3289. Who did?—Nor neither did he.

3290. Did not they pay him for his time?—I never got any payment yet.

3291. Were you promised it?—I was not promised it.

3292. They never said whether they would give him or not?—They never did.

3293. Did you ask them?—Indeed, I did.

3294. What did you ask them for?—For money at different times.

3295. When?—The first election.

3296. Before the election?—The time he was away.

3297. Who did you ask?—Mr. Barbour's, and they would not listen. The old gentleman was going to eat the head off me in the street.

3298. Which of the gentlemen; I should like to know who had that appetite?—Mr. Barbour himself, the old one.

3299. What did you ask for; you must have made a great demand upon him?—I told him I was going to bring him out. He said he had nothing to do with it; that he was only going round to see how his son was getting on, and was taking nothing to do in it.

3300. What was it you asked him for?—I said it was hard to keep poor people, that had to work for a living, and to keep him there. He said he knew nothing about it.

3301. Poor people that worked for their living; and got nothing for it?—No.

3302. Did you not name 50 *l.* to him?—I did not, indeed.

3303. Did you not say to him, "Sir, you are keeping me out of 50 *l.*, that I could get if he came out"?—No.

3304. Nothing about it?—No.

3305. You spoke to someone else about money, did you not?—I do not remember that ever I did.

3306. You told us several times that you would not go to old Mr. Barbour again?—Mr. Barbour was in our own house; I never asked him for money.

3307. What brought him there?—Old Mr. Barbour? He was just passing by after we were all away.

3308. After your husband was at Hildon?—I do not remember that.

3309. You told us that?—I do not remember whether it was when he was away.

3310. Was it when he was away?—I think it was; he first came in the length of the door.

3311. You said he came into your house?—Yes.

3312. What did he come in for?—I do not know.

3313. Was he in the habit of visiting you?—He came in to see how we were.

3314. Did not you ask him for money then?—Never.

3315. Did you tell him you had been offered 50 *l.*?—I never did.

3316. You never told anyone that you had been offered 50 *l.*?—I might have said so to plenty. I might have said what I had a mind for; I never said I was promised to be paid. I was never promised.

3317. You say you might have said; who did you say it to?—What way?

3318. I ask whether you ever told anyone that you had been offered 50 *l.*?—Of course I said I was looking for it, but I could not get it.

3319. Who did you say that to?—I do not remember who it was.

3320. That you told you had been looking for 50 *l.*, and could not get it?—Yes.

3321. You were looking for 50 *l.* very hard, were not you?—Of course I was.

3322. Was it that which you were so angry with the party for, that you would not speak to them the first time? You know you told us you did not speak to them when they came?—The reason was, they promised that he should be welcome to go or come when he liked. I asked him when I went down with his clothes, and he said he had his liberty to go where he liked.

3323. I am not asking about his liberty or his clothes; you said when Mr. Verner's party came to you in June, that you were so angry that you would not speak to Mr. Beatty?—No.

3324. Was that because you could not get the 50 *l.* out of them?—I do not think it was. I was angry at Mr. Herman and Mrs. Herman—at what she said.

3325. Did you not say it was because you could not get the 50 *l.* out of them?—That I would not let him vote?

3326. That you were angry?—It was not them I was angry with.

3327. You said when Mr. Beatty came you were so angry that you would not speak to them?—I do not remember that.

3328. Who were you angry with for not getting the 50 *l.*?—With him, going from his work.

3329. Because you lost the 50 *l.*; was that it?—I do not know.

3330. Did you not go to Mr. Jefferson, and ask him to get your husband out?—Well, I never did.

3331. You swear you did not do that?—I never asked him to get him out, I never did; but he proffered to come with me to take him out.

3332. Did you not go to him yourself and ask him to take him out?—I did not.

3333. How often did you call upon him?—I never called on him in my life; but he called on me.

3334. Did you not go to Mr. Jefferson?—I did; and if I did, he sent for me.

3335. You will swear you were there only once?—I was there twice.

3336. Were you not there three times?—He sent for me.

3377. Were you not there three times?—I remember being there twice; once he sent for me to come.

3338. Did you not go for the purpose of asking him to get your husband out?—I never did, indeed, and I declare it; but he told me, if I was satisfied to bring him out, he would soon relieve him for me in a few minutes.

3339. You told us that when they came and called upon you about your vote in June, you were angry with them, and would not speak to them?—I was; I was angry with John.

3340. With Mr. Beatty; what was it that made you angry with him?—With Mr. Beatty?

3341. Yes; or that party?—I do not remember my ever being angry with Mr. Beatty, for he never was in the house, only once.

3342. When they called upon you, you said you were angry with them; that is, when Mr. Verner's friends called upon you, you said you were

were angry with them. I want you to tell me what you were angry with them for?—I do not remember what I was angry with Mr. Beattie for.

3343. What were you angry with Mr. Jefferson for?—I was angry with him for making me a show about town; he was sending for me on-and-on, and said I was going to speak to him to see if I would bring him out.

3344. That was in February?—That was the first election.

3345. How did he make you a show through the town?—Taking me down so often I did not know what he wanted.

3346. Where?—To his own shop once, and once he sent for me to come to Mr. Lennon's.

3347. That was what you were angry with him for; were you not angry with him because you could not get 50*l.* out of him?—I could not get anything out of him; he promised me 25*l.*

3348. Was it not because you could not get 50*l.* out of him?—Of course I was angry.

3349. Now about the 25*l.* What did he offer 25*l.* for?—For his vote.

3350. Did you not say he offered it if you would get him out?—Yes; it was ready for me when I could bring him out for his vote.

3351. Did you not say that you were willing to take 25*l.* to get him out; you were not afraid of being bribed; you wanted to be bribed?—I thought I might as well have it as the rest.

3352. And you could get neither the 50*l.* nor the 25*l.*?—I did not, indeed; I would not tell an untruth or swear it.

3353. You did not get either?—I did not.

3354. Was it not that you were angry with the party for?—Which party?

3355. With the Verner party?— Of course I would have got it, if I had brought him out, for the money was for me.

3356. You were willing to bring him out if you could?—I was willing for the money to see what I could get.

3357. For 50*l.*; but not for 25*l.*?—I would have brought him out for either if I could have got it; but I was ashamed to bring him out; I did not like to bring him out at the last.

3358. You would have brought him out for either if you could have got it; but you got neither?—I did not want to bring him out; I might have depended on Mr. Redmond's word; I could have depended on it, I think.

3359. But you did not bring him out, though you would have brought him out for 25*l.*?—If he had just laid the money down, I do not know what I might have done.

3360. Is that what you say?—If he had laid it down, I would have brought him out; he was afraid of me, and I was afraid of him.

3361. You told us this moment that you were not the least afraid of him?—I thought I might have depended on him.

3362. That could not be your reason; you said you could not depend upon his word?— I thought I could.

3363. By the *Committee.*] When you say "on his word," do you mean on Beatty's or Jefferson's?—Mr. Jefferson's; I am not acquainted with Mr. Beatty.

3364. Mr. *O'Malley.*] About this 65*l.*; why did not you take that?—I could not get it; he laughed at me.

3365. He was laughing at you when he talked of the 65*l.*?—I do not know what he meant.

3366. You say he was laughing at you; you would have been glad to get it if you could?—Of course I should have been glad to get it.

3367. And have made your husband vote if you could have got it?—I do not know. Sometimes they take our advice, and at other times they do not.

3368. As far as you could go, you would have got him to vote if you had the 65*l.*?—I do not know. I am like many a one, ready for money.

3369. You would have taken 65*l.* if you could have got it?—Of course I would.

3370. Who paid the expenses of the house while your husband was locked up?—There was nobody paid it. I had my father there, and my mother backwards and forwards.

3371. Who paid the expenses in your house while your husband was away?—Nobody paid anything.

3372. Did you never pay the expenses?—There was the rent and——

3373. Did you get anything for the rent, or for food?—I did not.

3374. Nothing of the kind?—No.

3375. How did you manage to get on?—He was not long away; we did not pay the rent then.

3376. Had you to buy bread and meat?—We had plenty of that; plenty inside the house.

3377. You had laid in a store before he went?—I laid in no store more than usual.

3378. That is, you have plenty to keep you for nine or ten days?—I had, or a year either.

3379. That is, plenty of provisions in the house to keep you for a year?—Of course I have.

3380. Did the jennet die while he was in there?—It did; it killed itself, and we had two for-by that one. He bought one to draw a field of plants, and kept the other.

3381. Did you not get a new one in place of this?—No; when he came home he sold the other one, cart and all, to a brother he had.

3382. What did you get to come over here?—We got 5*l.* and the tickets.

3383. To pay all your expenses?—I suppose that is what we got.

3384. You have not paid any expenses of the journey here?

3385. He has bought some drink; perhaps a little whiskey now and then?—Of course, he has.

3386. Has he even paid for the whiskey?—For what he took. I gave him half a sovereign the night he came, and he went through it all but one shilling and a penny; so I think he went pretty well through it.

3387. Though you don't know how he went through it?—No.

3388. May I ask you, had you a new suit to come over here?—I have suits, plenty.

3389. You had a new one to come over here?—I never did.

3390. Is not that a new one?—No.

3391. And the bonnet?—The bonnet is as old as two or three summers ago.

Re-examined by Mr. *Clerk.*

3392. You say you went down with your husband's clothes to Hildon?—I did.

3393. How often did you go to see him?—I just went once down to see him; I was intending to get back again; he told me he was not kept there, and I bothered no further.

3394. Did you give him his clothes?—I did, and put them on him. They let me in and welcome. A great number of people said I would not

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not get in, but I got in; there was no hindrance to me; they made me welcome to see him when I liked.

3395. You say you recollect Mr. Jefferson sending for you twice?—Yes.

3396. Did you ever go to Jefferson except when he sent for you?—I never did.

3397. You say if he had given you down 25 *l.* in the first instance, you think you would have gone to Hildon and tried to persuade your husband to come out?—I think I would, but he was timorous at my not bringing him out, and I was timorous with him not giving me the money when I did bring him out; that is the truth.

3398. And you said you did not like?—I did not like running on. They were talking about me, and running for me, and I did not like running up and down the town. I went twice.

3399. You did not like its being talked of in the town that you were going to Mr. Jefferson's for money?—It was said I was running after him.

3400. You say you were ashamed of it at last, and got angry?—Yes.

3401. When Herman came to your house when you were baking, and the old woman was there, and he told you about the 65 *l.*, was he serious or laughing?—He was laughing none.

3402. By the *Committee.*] Did you understand that Mr. Herman made you an offer which he intended to fulfil?—Well, I thought so, or he would not have come in to bid it any other way. He said the vote had better be solid before he would give him that; that was just all he said to me there.

3403. You have used these words, "He had 65 *l.* for his vote, and he had better be solid this time;" were those the words that Herman used?—Yes; it would have to be solid this time." Those were the words, indeed.

3404. The jennet died; but he still had the two horses, or a mule and a horse?—From one to two, and then he bought that to draw a field of plants he had.

3405. After the election he sold one?—He did. When he came home he was angry; for he lost some of his work, and the boys did not please the people that he was drawing the goods for; they said they wetted them, and did not do this and that.

3406. Was he better or worse off after the election than before?—Of course it could not be expected that he would be better off, him not earning anything.

3407. I think you said you keep a provision shop?—I do, and sell every wee thing in that way.

3408. Bacon?—Yes, and candles, and soap, and salt, and everything.

3409. By the *Committee.*] When the conversation went on between you and Mr. Beatty in February, how near to Mr. Beatty were Mr. Verner and the strange gentleman standing?—Mr. Beatty and I were both lying on our elbows on a large table on the floor, in the middle of the floor, and they were hardly as far from me as those drawers behind you.

3410. Were Mr. Verner and the strange gentleman talking to one another, or were the only people talking in the room you and Mr. Beatty?—There was no one in it but the four of us.

3411. How many of you were talking, only you and Mr. Beatty?—Only Mr. Beatty and me were talking. They were listening sometimes to what I was saying to them; and when I was coming so close upon Mr. Beatty they went downstairs. They said, "Go downstairs, Mr. Beatty." He turned round and said, "Well, well." It was just that.

3412. When you say you were coming so close upon Mr. Beatty, what do you mean by that?—I was wanting money of him.

3413. When you mentioned the subject of your requiring money for your husband's vote to Mr. Beatty, who said, "We had better go downstairs"?—I think it was Mr. Verner.

3414. Are you sure it was Mr. Verner?—I rather think it was Mr. Verner said so.

3415. That is to say, the gentleman whom Mr. Beatty had introduced to you, as Mr. Verner said so?—Yes; I was just looking round at them, but lying on that side, leaning on the table; Mr. Beatty was beside me.

3416. After they had gone downstairs Mr. Beatty said he would return to you?—Yes, he would come back again with me; and he was away that very night. He did not come home to me then, I think. Mr. Beatty heard it, and he never came into my door again, at no time.

3417. Neither at the first election, nor any other time at the first election?—Not that I remember; but they were backward and forward when I had been away, they told me.

3418. But they never saw you in your own house again before the election in February?—Mr. Beatty did not; not to my knowledge. He may have seen me.

3419. He never spoke to you in your own house?—Not that I remember.

3420. When Mr. Jefferson sent for you to go to Mrs. Lennon's, whom did you see there?—I did not go to Mrs. Lennon's.

3421. You did not go?—No. I went into the shop; the boys told me to wait a few minutes and he would be in, and I did so.

3422. He sent twice for you; once to his shop and once to Mrs. Lennon's?—Yes; he was at Mrs. Lennon's himself. He went backwards and forwards there where the voters were said to be, or where the men met. I do not understand the way of it, but he went there; and, another time, he sent up for me a man who had not long been married to a daughter of Mrs. Dixon's, and he told me to come up to Mrs. Lennon's that day as he would like to see me up there. I told the man I would be down with him. I did not go down with him, but after that met the man coming for me again. I did not go to Mrs. Lennon's; I went to his own shop.

3423. Whom did you see with him in his shop?—I do not remember the boys' names. He has two shop boys.

3424. Was anybody present when the conversation took place between you and Mrs. Jefferson?—Yes, there was that man called Alick Wilson, that makes coffins in his yard. I said it would be much better to have brought him to hear the conservation, as much as me. I said, "I don't think they have him here."

3425. Alick Wilson was present?—Yes.

3426. The man whom Jefferson had sent to you to bring you up to Jefferson's house?—Yes; and he saw him going to get his hat to come with me.

3427. Was Margaret Ribbons present when Mr. Herman had that conversation with you at the general election?—She was, indeed.

3428. You

Agnes Orr.
14 March 1864.

3428. You say she is in ill health now?—She is.

3429. How do you know that?—She is with me, and has been with me five years.

3430. Do you mean she is with you at Lisburn or in London?—I left her very ill. She has been ill a length of time. She is an old woman, but she is able to do a little; to go out to the cows, into the field.

3431. Where did this conversation between you and Mr. Herman take place?—Just that day he came in.

3432. Where; in your house?—I was baking bread, and he just came in looking for Mr. Orr, and that old woman said Mr. John Orr was not there, but mistress was there; and he said he had 50*l.* for his vote this time. He said it would be very solid. I did not say anything at that time; I was thunderstruck. I looked at him; I laughed at him. He would not deny it; he would not look at me and deny it.

3433. How much did he say he had for his vote?—Sixty-five pounds.

3434. Do you mean 65*l.* or 50*l.*?—That is what I said. First and last he would not deny it; neither Mr. Redmond. He knows it very well.

3435. What was the sum Mr. Redmond said he had for your husband's vote; what was the sum he told you on that occasion?—Sixty-five pounds.

[The witness was directed to withdraw.

ARTHUR GAMBLE was called; in and, having been sworn, was Examined by Mr. *Rodwell*, as follows:

A. Gamble.

3436. Do you live at Lisburn?—Yes.

3437. And you carry on business as a pig-jobber?—Yes, I deal in pigs.

3438. Do you recollect Mr. Verner coming to Lisburn?—Yes.

3439. A few nights before that, do you recollect a man by the name of James Allan coming to you?—Yes.

3440. That Saturday night?—Saturday night.

3441. In consequence of what Allan said, did you go anywhere?—He asked me to go out as he wanted to speak to me; and he took me to a man of the name of Stephenson to give me a glass of whiskey.

3442. What did he tell you he wanted you for?—To look at a little pig that was not well.

3443. You went out to look at a little pig?—Yes; and he took me to Mr. Stephenson's to get a glass of whiskey.

3444. Who is Stephenson?—He keeps a public-house in Lisburn.

3445. When you got there, whom did you see?—I saw a man of the name of Stewart there, and a man named Robert Munce; that was all.

3446. Was the door closed?—Yes. When I went in they gave me a glass of whiskey; they made me sit down.

3447. What did you ask to do, or want to do?—I wanted to get out.

3448. Did you get out?—I did not.

3449. Why not?—They pushed me back; a man of the name of Munce; and said I should take my time about; there would be more company there than me.

3450. Did you ask to go out?—Yes.

3451. More than once?—Yes; and was very angry.

3452. Do you know Redmond Jefferson?—Yes, I know him by eyesight.

3453. Do you know Samuel Young?—Yes.

3454. Do you know John Kane?—Yes.

3455. Did you see them, or any of them, that evening?—Yes, that evening they did come in, and other men besides.

3456. Where did you see them?—In Stephenson's.

3457. Were they there at the time you wanted to get out?—They were.

3458. Did any of them say anything to you?—Yes.

3459. Which of them?—All. They advised me to stop my ground, for I would be well used if I would stop where I was.

3460. You say all: will you mention the names of the persons who said that to you, persuading you?—There was Kane and McBride. I am not very often in the town, and I did not take much notice. There were many men, and they all advised me not to be uneasy, but to stop.

3461. They did not all say so at once, did they?—No, they did not; one told me this time, and another the next time.

3462. Did anyone say anything to you about any money?—Yes.

3463. Who?—They said, "wouldn't it be as well here?"

3464. Who spoke to you?—Mr. Kane.

3465. Who else?—Mr. McBride.

3466. Anybody else?—There were so many of them gathered about advising us I could hardly say; there were more than four or five.

3467. What did they say to you?—Not to go out, but to stay where I was, and go to Mr. Verner. I said I had promised Mr. Barbour, and I would go to my own townsman. They said, whatever Mr. Barbour would give me, Verner would be as good as him, and better.

3468. By the *Committee.*] Who said that?—Mr. Kane.

3469. What is his Christian name?—Hugh Kane.

3470. Mr. *Rodwell.*] Was that said more than once?—Yes.

3471. Loud enough for everybody in the room to hear?—Yes, there were several heard it as well as me.

3472. Did anyone there hold up his hand or fingers?—Yes.

3473. Who was that?—A man named Munce.

3474. What did he say or do?—He said in this way [showing], "Ten and five are fifteen."

3475. Did he say what for?—For going to give my vote for Verner.

3476. Was Redmond Jefferson in the room during this time?—He was not at that time; he came in through the night to see his men. We were shut up all night on Saturday night.

3477. You did not go to bed, then?—No.

3478. You sat up all in one room?—Yes.

3479. How many of you were there?—Thirteen of us. I was the first. I did not know anything about it.

A. Gamble.

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3480. I am talking of Saturday: how many were there in the room?—Thirteen.

3481. Were there any beside you that asked to go out, or wanted to go out?—They all seemed to be uneasy, but not so much as I.

3482. Had you some whisky while you were there, in addition to the glass you took?—Oh, indeed, there was whisky plenty. I did not drink more than two or three glasses.

3483. There was plenty if you liked?—Plenty.

3484. Did you pay for it yourself?—I did not.

3485. Did you see anybody pay for it?—It was a house for the purpose I think they had.

3486. How long did you remain at Stephenson's?—From Saturday night till Monday night.

3487. What were you doing all Sunday and Monday?—Just sitting in the house.

3488. In the same room?—Yes; upstairs.

3489. How many of you were in that room?—Thirteen.

3490. Did you try to get out then?—Yes; but the door was still kept shut, and a man was keeping us in.

3491. You could not get out?—No.

3492. Do you know the man who was keeping the door?—This Munce.

3493. By the *Committee.*] Which door was this? The door of the room or the door of the house? The door of the room in which you were upstairs?—It was a back place, out in a yard.

3494. Mr. *Rodwell.*] Did you not go out of the room from Saturday night to Monday night?—No; I was not out of the room at all till Monday night.

3495. Were the other men kept in the room all the time?—Yes.

3496. None went out at all?—Some odd ones might if they liked to let them out.

3497. But you did not get out?—No.

3498. By the *Committee.*] Did you see anybody try to get out of this room who was prevented by Munce, or any other man who was keeping the door? Did you see any other man try to get out of this room who was prevented going out of the room?—There was a man who appeared to be very uneasy.

3499. What was his name?—Stewart; He was there at the time that I went in. He was just there himself when I went in.

3500. Is he a Lisburn man?—Yes.

3501. Is he a voter?—Yes.

3502. What did he do?—He scolded Munce for fetching him there.

3503. Was there anyone else who did this besides Stewart?—None at that time; only me and Stewart till they fetched the men. It was 11 o'clock at night, that.

3504. Was this the first evening?—It was the first evening.

3505. Did you and Stewart try to get out on Saturday night?—Yes, at first.

3506. Did anybody try to get out during the Sunday?—They could not get out for the doors were all shut.

3507. Did anybody try to get out, and were they unable to do so?—Only myself; and I could not turn about, for they had men to guard us in.

3508. Mr. *Rodwell.*] During the Sunday and Monday, you had your meals in that room?—Yes.

3509. Who brought them to you?—Stephenson's wife.

3510. During the Sunday and Monday did any person come into the room to see you people?—Yes; these odd men came in to see us.

3511. Who, in addition to the thirteen?—A man by the name of Samuel Young.

3512. What day was that? Sunday, or Monday, or both?—He came in to see us Sunday and Monday both.

3513. Did you have any conversation with him?—I did not say nothing more to him. There were thirteen of us there. They were all stopping till they had orders to take them away. I was not accustomed to that.

3514. Did you tell him that?—I did.

3515. You told him you were not accustomed to be shut up?—Yes.

3516. What did he say?—He said, in time he would take us away at night; that he would take us away by the Monday night.

3517. You have told us of Samuel Young. Can you mention anybody else who came to have a look at you. Can you mention them?—There was Mr. Graham.

3518. What is his Christian name?—William Graham.

3519. That is the brewer?—Yes.

3520. Can you tell us somebody else?—There was Redmond Jefferson.

3521. Did you have anything to say, or any conversation with either Redmond Jefferson or William Graham?—I was uneasy, and they told me not to be uneasy.

3522. Which of them did you tell?—Mr. Jefferson.

3523. In what way uneasy?—Uneasy to get out to mind my business at home.

3524. What did he say to you?—He said I was not to be uneasy, for I would be well done for.

3525. You have told us of Mr. Young, Mr. Graham, and Jefferson; can you tell us anybody else you saw there, that came to look at you people that were shut up?—I do not remember any more, for we were so thronged in the room.

3526. You could not exactly say?—There was a good lot of other men.

3527. Where did you sleep on the Sunday night and Monday; on the floors or chairs?—On a chair, the way I am sitting now, all night.

3528. Those two nights?—Yes.

3529. You did not pay during the time for what you had there?—Well, they gave us eating and drink.

3530. Did you pay for it?—I did not.

3531. You do not know who did pay for it?—I do not know who paid for it, but I think it was paid for.

3532. On the Monday night you said you were to go: what happened on the Monday night?—They prepared us to go away. There was a mob, and fifes and drums, and a band to get us away.

3533. How did you go out?—We went out of the kitchen door on the street.

3534. Arm-in-arm?—Yes.

3535. Linked, two and two, walking together?—Yes.

3536. Where did you go?—They took us about a quarter of a mile up from Mr. Stephenson's to the Market House, and there were three cars there.

3537. At the Market House?—Yes.

3538. Did you go into the car?—Yes.

3539. Why, if you were uneasy at being kept, did you not get away?—How could I? I was linked

linked, and there were guards to keep us. I could not get away.

3540. What sort of a guard?—These men.

3541. You could not get away?—No.

3542. You had a procession; you had drums and fifes, and were guarded to the market-place?—Yes.

3543. Then did you get on to a car?—They put us into a car.

3544. Were you put on to the car against your will?—Yes, to be sure; the man had hold of me, and put me in.

3545. Do you know who the man was that put you on the car?—A man named Edward Keogh.

3546. Did you see Jefferson when you got to the market-place or to the car?—Yes, he was one.

3547. What was he doing?—Striving to guide them forward.

3548. Did you say anything to him there and then?—I did not; he said nothing, only to get on as well as we could.

3549. Now we have you on the car: where did you go then?—We were taken to Belfast.

3550. How did you go to Belfast; by rail?—No, on the car.

3551. When you got to Belfast, where did you go to there. Did you go the straight road to Belfast?—No; they took us an old road.

3552. What time did you get to Belfast?—I think it might be eight or nine o'clock at night. I could not justly, for I had no watch. It was late.

3553. Where did you go to at Belfast first?—To another little man; Ingram.

3554. He had not room for you, I believe?—No.

3555. Where did you go then?—We were taken to McIlwee; the Vine Hotel.

3556. Who ordered the cars to go to the Vine hotel, after Ingram said he had not room for you?—It was Ingram.

3557. Did you see any Lisburn people at Ingram's when you got there?—No. Ingram ordered us to that house; he took us up.

3558. To the Vine?—Yes.

3559. When you were at Ingram's did you see any Lisburn people that you knew?—No; I did not see any; it was dark.

3560. You got to the Vine hotel at last?—Yes.

3561. Did all of you go together there?—All of us went together; three cars.

3562. When you got to the Vine hotel what became of you?—They took us upstairs.

3563. Into a room, I suppose?—Yes.

3564. Did you see William Graham there?—I did not see him at that time till the next day. I had seen him from the top of the house on the street.

3565. Did you see him to speak to him?—No.

3566. How long were you kept at the Vine?—From the Monday till the Saturday. We were to give our vote the Saturday week.

3567. That is nearly a fortnight?—Yes.

3568. Were you there against your will?—Yes; I could not get out of that then.

3569. Why not?—There was a man to keep the door, not to let us out. I never was out of the house that fortnight.

3570. Were you out of the room?—I was out to the water-closet.

3571. That was all?—Yes.

[Adjourned to To-morrow, at eleven.

Martis, 15° *die Martii*, 1864.

HUGH EDWARD ADAIR, Esq., CHAIRMAN.

The Names of the Members were called over:—All present.

ARTHUR GAMBLE, re-called; further Examined by Mr. *Rodwell*.

A. Gamble.
15 March 1864.

3572. I THINK you told the Committee yesterday that you had been kept at Belfast till the Saturday of the election?—Yes.

3573. You started on the Saturday morning for Lisburn?—Yes.

3574. What time did you start?—I think it was between eight and nine o'clock.

3575. At night?—In the morning.

3576. Who went with you?—The whole number of the voters.

3577. Was it the first train you went by?—Yes.

3578. You say the party all went together?—Yes.

3579. In addition to the voters, who else were with you? Was there any person giving orders there?—Yes.

3580. Who?—I have seen Mr. Graham and Mr. Young give an order.

3581. Where did you see that?—In Belfast and Lisburn both.

3582. You saw Sam Young and William Graham in Belfast, and Lisburn?—Yes; they gave us our ticket to go up by the train.

3583. *Chairman.*] This was at the station at Belfast?—Yes.

3584. Did you receive from them a ticket to take you from Belfast to Lisburn?—Yes.

3585. Mr. *Rodwell.*] Did they go with you from Belfast to Lisburn?—Yes.

3586. When you got to the station at Lisburn, who did you see there?—We were there, and we were all put on the platform together.

3587. What became of you when you got on the platform?—They marched us up to another public-house, convenient to where the voting was. We went up to a little man at a public-house, convenient to the voting, and they put us in there, and we went up-stairs to wait till the voting.

3588. *Chairman.*] You went up-stairs?—Yes, along with the rest.

3589. Mr. *Rodwell.*] Who besides the party went up-stairs with you?—No one but the voters got up, but there were other connexions; I could not justly say who they were.

3590. How long did you stop in this little public-house?—I suppose it might have been an hour or more.

3591. I suppose you had some refreshments there?—There was appearing to be plenty, but I did not take any.

3592. Was it that you had so much at Belfast, or what?—There was a confusion, I did not want any.

3593. After you had stopped there some little time, did you go to poll?—Yes.

3594. Who took you up to the poll? who did you go with?—I could not justly say who, but there was William; what do they call him? I do not know him at all. There were two men took me up.

3595. *Chairman.*] Who were those men?—Wilson was one; I do not know the other man.

3596. What Wilson?—A man of the name of Wilson.

3597. Do you know what his Christian name is?—George Wilson.

3598. Mr. *Rodwell.*] Do you know Lucas Waring?—Yes, I have seen him.

3599. Did you see him that day?—Yes; he was standing at the public-house door when I went out.

3600. When you went out to vote?—Yes.

3601. Had you any conversation with him; or did he say anything to you?—He said it was a fine day; he nodded his head at me, and said it was a fine day; I said he knew me now, and may be he would not know me again.

3602. What more?—Well, I had done with that.

3603. Was anything more said between you and Waring then?—No; no more.

3604. Afterwards, was there?—No more.

3605. Let us hear what you said, and what he said to you?—I said, if he would know us now, he would not know us again.

3606. *Chairman.*] You said that to Lucas Waring?—Yes.

8607. Did you see Redmond Jefferson there?—Yes, I did see him.

3608. Did you have any talk with him?—That day I had no talk with him.

3609. Did you hear him say anything?—No, I did not hear him say anything.

3610. Did anyone give any orders with regard to your going up to the poll to vote?—Yes, they guarded us up.

3611. Who did you hear give any orders?—No man but this Mr. Wilson.

3612. Anybody else?—He had me up to the poll.

3613. I did not ask you that. I asked you whether you heard any persons giving orders as to your going up to poll. You said you did, and you mentioned Wilson; did you hear anybody else?—No; no other.

3614. When you went up to poll, who did you vote for?—For Mr. Verner.

3615. Did

3615. Did you ever get anything for your vote?—No: I got nothing.

3616. Were you ever promised anything for your vote?—I was.

3617. By whom?—By Mr. Graham and the other committee-ers, and Sam Young. They said they would do well for me. They said I was to be easy, and I would be well done for. I would get as much if I would stay as if I voted for Mr. Barbour. I was not willing.

3618. By the *Committee.*] Who was it said anything of the kind?—Sam Young, and Mr. Graham.

3619. What did you say Sam Young said to you?—That I would be well done for; and that he would allow us and use us well, if I would vote for Mr. Verner.

3620. *Chairman.*] Where did he say this?—At Mr. Stephenson's.

3621. Before you went to Belfast?—Yes.

3622. Mr. *Rodwell.*] Do you say you got no money?—I got no money; for I was staying away, and I did not know.

3623. Did you speak to anybody afterwards with reference to any money; did you ask anybody about it?—I was asking about it, but they told me ——

3624. Just attend to the question. Did you ask anybody or speak to anybody for any money?—Yes, I did.

3625. Who did you apply to; give us the names?—To Hugh Kane, and Sam Young had promised it to me; it was Hugh Kane, and a number of the committee, and they said the time was coming for us.

3626. When you say "committee," to whom do you refer?—The men that were doing for Mr. Verner.

3627. Will you give us the names of the men that you say were doing for Mr. Verner?—There was Mr. Graham, and Sam Young, and a John Kane, and Mr. M'Bride, and a neighbour of mine.

3628. Can you give us any more names?—I think you have as many as I knew there.

3629 Where did you go to these people whom you called the committee?—I went to themselves, and asked them.

3630. How soon after you had voted did you make your first application?—The Tuesday following.

3631. Who did you go to first?—I went to Hugh Kane, and he said he was coming.

3632. Where did you go to Kane at?—In his own house.

3633. Where did you next apply? It was another week; I let it stand over.

3634. Who did you go to then?—The same man.

3635. *Chairman.*] Kane?—Yes.

3636. I should like to ask one question about this, was this Hugh Kane the man who was at Stephenson's public-house?—He was.

3637. And was he the man whom you stated, said, "Stay and vote for Verner, and whatever Barbour does Verner will do the same"?—Exactly.

3638. Mr. *Rodwell.*] Now, you have told us about these applications to Kane; when did you apply to either of the other persons whom you have mentioned?—I saw they were not intending to do anything for me at all, and I just quitted them altogether.

3639. To find out whether they were going to do anything for you, you had to apply. You have told us of applying to Kane; will you tell us when you applied to anybody else; you say that you applied to other people; when did you apply?—The next week after that I applied again.

3640. You have told us about Kane; to whom else?—I could ask nobody but the one that assured me it would be all right.

3641. Who was that?—Hugh Kane applied to Mr. Graham.

3642. Were you present?—He said, "that will be all right."

3643. Were you present at any time when William Graham was spoken to on the subject of your payment?—My wife was.

3644. Were you?—I was not; he promised to do it for me.

3645. Did you have any interview with William Graham about the payment of this money yourself?—No, I did not; this Hugh Kane and Mr. M'Bride were doing it for me.

3646. Do you recollect the June election?—Yes.

3647. Do you know Mr. Verner the candidate at the June election?—Yes, I have seen him once.

3648. Did he call upon you or meet you?—Yes.

3649. Where?—At my own house.

3650. How long before the June election?—It was near a week, I think.

3651. Who came with him?—I think it was Mr. Thompson.

3652. Is that George Thompson?—Yes; I do not know the other gentleman.

3653. Do you know Mr. Beatty?—Yes, I have seen Mr. Beatty; yes, he was there.

3654. With Mr. Verner?—Yes.

3655. *Chairman.*] How many were there with Mr. Verner?—There were them two.

3656. Mr. *Rodwell.*] George Thompson and Beatty?—Yes.

Chairman.] The witness said that Mr. Thompson and a stranger came with him. Afterwards, he is asked if he knows Mr. Beatty, and he says Mr. Beatty was there. Does he mean that he was the stranger whom he did not know?

Witness.] I forgot about Mr. Beatty.

3657-8. *Chairman.*] How many were there? there was Mr. Verner?—Yes.

3659. Mr. Thompson?—Yes.

3660. Mr. Beatty?—Yes.

3661. And anybody else?—No more.

3662. Mr. *Rodwell.*] Did Mr. Verner or anyone speak to you?—Yes, Mr. Verner spoke to me.

3663. What did he say?—He asked me, would I give my vote again; and I said that I was very careless about gentlemen that were so far from Lisburn.

3664. Tell us a little more of what passed?—Says he, "You will have to back us this time again;" and, says I, "I will not bother myself any more." I said I thought I had backed him more than what I had got any benefit by.

3665. What did you mean by that?—The promise was not fulfilled.

3666. What promise?—The money that he was to give us.

3667. Well, go on in your own way, and tell us what occurred?—He said, "If you will back us this time you will get for it this time." I said, I did not care about backing the gentleman any more; I would rather vote for my own townsman.

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3668. *Chairman.*] What then?—He bid us good-bye, and I bid him the same, and heard no more.

3669. Who do you mean when you say, "he" bid us good-bye?—Mr. Verner.

3670. Mr. *Rodwell.*] Did either of the other gentlemen who were with Mr. Verner say anything to you?—They said no more.

3671. They said nothing?—They said nothing.

3672. Did you say nothing to them?—I said nothing to them at all.

3673. How long were they with you?—They might be, I suppose, 20 minutes.

3674. Is that all that passed?—That is all that passed.

3675. Did you stand looking at one another, or what?—They were looking at one another, and concluding, I suppose.

3676. See if you cannot recollect something more that took place at that meeting; did you talk a little about the February election?—

Mr. *O'Malley* objected to the question as a leading question.

Mr. *Rodwell* was heard in support of it.

Mr. *O'Malley* was heard in reply.

After some discussion, Mr. *O'Malley* stated that he would withdraw his objection.

3677. Mr. *Rodwell.*] Did you have any conversation, or was anything said about the February election at that interview?—From whom?

3678. You say that Mr. Verner, Mr. Beatty, and Mr. Thompson called upon you in June?—Yes.

3679. You say they were there 20 minutes?—Yes.

3680. I want to know what the conversation was about during that time?—I talked about a little to them.

3681. Did they talk very little to you?—They were willing for me to go again to give my vote. They flattered me tightly.

3682. How did they flatter you; what did they say?—They asked me to go on, and there would be reward.

3683. Who said that?—They said they would be better to us the next time.

3684. *Chairman.*] Who said that?—Mr. Beatty.

3685. Mr. *Rodwell.*] Before Mr. Beatty said that to you, what had you said to him?—I did not crack to Mr. Beatty; he was cracking to the mistress.

3686. He was cracking to your wife?—Yes; I did not interfere in his cracking to her.

3687. What did you say to him before he gave that answer?—I said nothing to him.

3688. You must have said something. Have you been in company with Mr. Wilson this morning?—No, I was not.

3689. Do you know Mr. George Wilson?—Yes, I do.

3690. Have you been in his company this morning?—I was a little; I just passed him by there, in the lane, but I had no conversation.

3691. Have you had any conversation with anyone about your evidence?—No.

3692. Not at all?—Not at all.

3693. Have you had any conversation with anyone about the evidence you gave yesterday?—Not one.

3694. That you are sure of?—I am sure I have not.

3695. Not at all?—Not at all.

3696. Neither with George Wilson or anyone else?—Neither with George Wilson or anyone else.

3697. That you swear?—Yes.

3698. Positively?—Positively.

3699. You have not said a word about what you said. You have not had a conversation about what passed or what you were going to say in evidence?—(*The Witness did not answer*).

3700. Have you, or have you not, had any conversation about what passed in evidence, or about what you were going to say in evidence?—No.

3701. That you swear?—Yes.

3702. Why did you hesitate so long in giving me an answer?——

Mr. *O'Malley* objected to the course of examination.

Mr. *Rodwell* was heard in support of it.

After some discussion,—

The *Chairman* stated that the Committee were of opinion that the question should be put, but that it should be put by the Committee.

3703. *Chairman.*] What made you hesitate so long in answering the learned counsel as to whether you had had any communication with Wilson, or any other person, since your examination here yesterday on the subject of the evidence you either gave, or were about to give, this morning?—I did not hear him aright.

3704. Now, answer the question?—Have you since you were examined here yesterday had any communication about your evidence with Wilson, or any other person?—I have not.

3705. Have you seen Wilson?—I have seen him when I came into the court.

3706. Did you speak to him?—I just spoke and said it was like rain, but I had no more conversation.

3707. Have you had any further conversation with any other person?—No, only cracking about one thing or another, but nothing about witnesses, nor cracking about any other thing.

3708. What do you mean by the use of the word "cracking"?—Cracking about; not having any conversation about any witness, or about this business at all.

3709. You have been talking with other persons this morning?—I was not.

3710. You just said that you had been cracking with other persons, not about witnesses?—No.

3711. Who were those other persons with whom you have been cracking?—My own wife and the people where we lodge.

3712. Your own wife, and who else?—Nobody, only the people that were in the house with us.

3713. Where?—It was never mentioned; anything of this.

3714. The people in which house?—Where we stopped all night.

Mr. *O'Malley*: That is amongst their own witnesses.

3715–16. *Chairman.*] Have you spoken to anybody else?—No.

3717. Mr. *Rodwell.*] Did George Wilson, or anyone say to you, "Do not lean heavy on Redmond Jefferson"?—No; there was no one spoke to me about that.

3718. *Chairman.*]

3718. *Chairman.*] Have you had any communication, in writing, from anybody on the subject of your evidence?—No, I have not.

3719. Mr. *Rodwell.* You know Redmond Jefferson, do you not?—I do.

3720. Before the election, and after you had had this interview with Mr. Verner, Mr. Beatty, and Mr. Thompson, did you see Redmond Jefferson?—I did.

3721. Where?—Down in Mr. Belcher's.

3722. That is a publichouse?—Yes.

3723. How happened you to go into Belcher's?—Redmond took us into Mr. Belcher's, and brought us a glass of whisky.

3724. *Chairman.*] When was this?—The second election; the June election.

3725. Was that after you had seen Mr. Verner, or before?—After.

3726. And before you polled at the election?—Yes.

3727. Mr. *Rodwell.*] When you got to Belcher's publichouse you had a glass of whisky?—Yes.

3728. Did Jefferson say anything to you, or you to him?—Yes. I said to him that he was inviting me to give my vote for Mr. Verner, and I said he had not done so well for me, and I did not be caring about doing it; but, says he, "You will be well yet; stick close this time."

3729. What more passed?—I first came out; Mrs. Belcher came after me and gave me 10*s.*

3730. Before Mrs. Belcher gave you this 10*s.* where had she been?—She was in a shop, and then there was a little drinking-room off the shop, and that is where we were. I think that Mr. Jefferson had given her the money to give to me.

3731. Did you see Jefferson do anything?—He was cracking with Mrs. Belcher, and she came out and gave me the 10*s.* I "thanked her, ma'am" for it.

3732. Did you see Jefferson give Mrs. Belcher any money?—He did not let me see that, but he was cracking with her before I came out.

3733. Did you see him do anything?—He paid the whisky for me.

3734. Did you see him pass anything to Mrs. Belcher?—He paid the whisky and I came out, and she followed me on that.

3735. Had you ever spoken to Mrs. Belcher at all about 10*s.*; did she owe you 10*s.*?—She owed me none.

3736. When she gave it to you did you make any observation to her beyond that "Thank you, ma'am"?—I made no more.

3737. Did she say anything to you when she gave it to you?—She said to go on and that would help me, and there would be more come.

3738. Where was Jefferson at the time Mrs. Belcher gave you this 10*s.*?—He was all in the little room.

3739. *Chairman.*] You had left the room?—Yes.

3740. And Mrs. Belcher followed you?—Yes.

3741. Mr. *Rodwell.*] Where did you go to after that; did you go home?—I went to go home, and I went to a neighbour's.

3742. What is the name of the neighbour?—A man of the name of Stewart down Railroad-street; and coming home I met this George Wilson, and he said would I take a glass of whisky. I said I had got enough, and I would not drink any. He made me go with him into Mrs. Lennon's, and he got a glass of whisky, and I drank it.

3743. What is the name of that inn?—Mrs. Lennon's.

3744. Is there not a sign to it?—She is a widow; they call her Mrs. Lennon.

3745. Is it the Hertford Arms?—Yes, I think so.

3746. When you got there you got a glass of whisky?—Yes.

3747. Who did you see there?—I saw several decent-looking men in the room.

3748. Give us the names of some of them?—I saw a man of the name of William Blackburn; and there were two or three more, but I do not know their names.

3749. What happened to you when you got into the Hertford Arms?—I rose to go out, and this Mr. Wilson cotched me and used me very badly.

3750. What did he do to you? What became of you? Where did you go, or where were you put?—I was cotched and thrown into like a coal-hole, and he cotched me by the neck till it was swelled as big as my fist for a day, and there are my arms yet.

3751. *Chairman.*] Who did this?—It was Wilson.

3752. Wilson took you and, against your inclination, put you into a place like a coal-hole?—Yes; and I called upon Mrs. Lennon, and she let me out.

3753. Mr. *Rodwell.*] Did you complain to Wilson, or others, about this?—I did complain, and was very angry with him for doing so.

3754. What did they tell you?—They wanted me to go to the law. I said he was a neighbour, and I would law nothing with him.

3755. This took place at the Hertford Arms, you say?—Yes.

3756. What other room did you go into, besides the room which you call the coal-hole?—Yes; it was like that.

3757. Did you go into any other room?—No; I got out, and I came home.

3758. How long were you there altogether?—Where?

3759. At the Hertford Arms?—It might be near half-an-hour; I did not stop there long.

3760. *Chairman.*] Was this the same day when you were coming away from Mrs. Belcher and her whisky-shop?—Exactly.

3761. Wilson met you as you were going away, and took you to Mrs. Lennon's, and treated you there as you have described; and then you got away from him?—Yes. I could not do a ha'porth for many a day; it strained me.

3762. Mr. *Rodwell.*] Were you at the Hertford Arms at the February election?—No; I was not in it at all.

Cross-examined by Mr. *O'Malley.*

3763. You voted for Mr. Richardson at the last election?—Yes.

3764. Where had you been for the last few days before the election?—I was at home.

3765. Had you promised Mr. Richardson to vote for him?—Yes; I said that I would vote for my own townsman after this.

3766. Who was the townsman you were to vote for?—Mr. Richardson.

3767. Mr. Richardson was not there at the time; you did not hear of Mr. Richardson coming

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coming forward before the election?—It was him that I voted for.

3768. Who had you promised to vote for before? Who was the townsman?—I promised to vote for Mr. Richardson when I was asked.

3769. When were you asked?—At the June election.

3770. How long before the election were you asked?—I suppose it was a fortnight.

3771. And a fortnight before the election you promised to vote for Mr. Richardson?—Yes.

3772. Do you swear that?—Yes.

3773. That a fortnight before the election you promised to vote for Mr. Richardson?—Yes.

3774. Was Mr. Richardson a candidate at all a fortnight before the election?—I do not know anything about when it was.

3775. Who asked you to vote for him?—It was a man of the name of William Connolly; he is dead now. He was a decent man.

3776. *Chairman.*] Did he ask you to vote for Mr. Richardson?—There was more than me voted for him.

3777. I know that; but did he ask you to vote for Mr. Richardson?—Yes.

3778. Using the name of Mr. Richardson?—Yes.

3779. Are you sure of that?—Yes.

3780. Mr. *O'Malley.*] Who was with Connolly when he asked you to vote for Mr. Richardson?—There was another gentleman with him that I did not know.

3781. Was Mr. Richardson there?—No, I did not see Mr. Richardson.

3782. Do you know Mr. Robert Barbour?—I would hardly know him.

3783. You did not promise to vote for him?—He did not ask me.

3784. Did anyone ask you?—No.

3785. No one asked you to vote for Mr. Robert Barbour?—No.

3786. You did not vote for Mr. Robert Barbour at all, and you did not promise to vote for him?—I did the first time.

3787. But the second time?—No.

3788. I will come to the first time by-and-bye. Do you remember when you came to the Hertford Arms, before the second election, saying that you wanted to vote for Verner, but that your wife wanted you to vote for Barbour?—No, I do not.

3789. Did you say that to Mrs. Lennon, or in her hearing?—I did not speak to Mrs. Lennon until the time when I was in trouble, to try to relieve me out, when I was in the place I was thrown into; that is all the time I ever spoke.

3790. Did not you, in Mrs. Lennon's presence, say that you wanted to vote for Mr. Verner, but that your wife wanted you to vote for Barbour?—I did not speak to her at all.

3791. Did you say that to anyone?—I did not.

3792. You swear that you never did anything of the kind?—Never.

3793. Did you mention Mr. Barbour's name?—It was not mentioned there at all.

3794. You swear that it was not mentioned there at all?—No, not at Mrs. Lennon's.

3795. Were you told to go home to your wife, and did you say that you were very well where you were?—At Mrs. Lennon's?

3796. Yes?—I did not stop in it at all.

3797. Were you told to go home to your wife, and did you say that you were very well where you were?—I did not; I was not stopping at Mrs. Lennon's at all.

3798. I am not asking you whether you were stopping there, or whether you were inside the door or outside the door; but I am asking you, did you say that?—I did not.

3799. Do you say that you were not in Mrs. Lennon's, only at the door?—I was in it, and drank a glass of whisky when Mr. Wilson took me there.

3800. You told me that it was half-an-hour?—It was well up to half-an-hour. I rose and came home.

3801. Let there be no mistake about it. I understand you distinctly to swear that you did not say that you wanted to vote for Verner, and that your wife wanted you to vote for Barbour?—I did not; it was never mentioned in the same house.

3802. And that you were not told to go home?—How could I be told to go home when he put me in?

3803. Had they not great trouble to get you away at that time?—Out of the house?

3804. Yes?—They had great trouble when he threw me in that way.

3805. Were they not trying to get you away, and were you not refusing to go?—Out of Mrs. Lennon's?

3806. Yes?—Was I not going out when they caught hold of me?

3807. *Chairman.*] Will you attend to the learned Counsel; was there any trouble in getting you away from Mrs. Lennon's hotel upon that occasion?—I had to call further assistance to let me out in the street.

3808. When she let you out, did you run away as fast as you could?—Yes; I came straight home with another man of the name of William M'Bride, who came with me to my own door.

3809. Mr. *O'Malley.*] Was not Wilson trying to get you out, and were you not so drunk that you fell into this place?—I do not believe a word of it; not at all.

3810. Will you swear that you did not?—I will swear.

3811. That you were not so drunk as that?—I was not a bit drunk, not a bit; no more than I am at this minute.

3812. Was not Wilson the very man who turned you out of the coal-hole?—It was the mistress who showed me the road, and I came out of it myself. I was very angry; and she would not have put me out if I had not insisted, and said, "I will pull down your sign for keeping people abused in the house."

3813. Was it not Wilson who put you into the coal-hole at the time, and who got you out of it?—He put me in, but he would not put me out of it.

3814. You say that you were quite sober?—I was. I had got a little refreshment, not more than a couple of glasses of whisky; and I would not thank a man drinking two glasses of whisky.

3815. What do you call being sober; you could catch the ground, I suppose, if you fell upon it?—I could.

3816. You were a little the worse, you say?—I was not one hair the worse.

3817. You told us before you went in there you had taken enough?—I said I thought that I had got enough; but if I had drunk a glass of punch more, that was not going to do me any harm.

3818. It might do you a great deal of good?—It

It would do no good, and no harm; I took it with a neighbour, and thought no harm of it.

3819. You mean to say that you were not quite drunk upon that occasion?—Indeed, I was not; a glass of whisky would not do a man much harm.

3820. *Chairman.*] I understood you further to say that when you got out, M'Bride went home with you?—Yes, he came home with me.

3821. By the *Committee.*] Does he live near you?—Yes, he is a neighbour.

3822. Mr. *O'Malley.*] What did you get for your vote last time?—I did not get anything.

3823. You were talking of Hugh Kane. Did you about that time give Hugh Kane 20 *l.* to take care of for you?—I did not; I never gave him a farthing.

3824. And did not tell him that you had got 20 *l.* for your vote?—I told him that Verner had given me 30 *l.*

3825. When did you tell him that?—At the time when the people were making fun of me.

3826. Did you tell him that you had got 20 *l.* for your vote at the last election?—I did not.

3827. Why did you say, about the 30 *l.*, that you did not tell him?—I did not tell him. I did not give him any. I had none to give him. I was in such a rage on account of the way in which I was served, that I said I would give my vote to my own townsman.

3828. That is not an answer to my question. I am asking you with a view to contradict you by-and-by. I ask you now, will you swear that you did not tell Kane that you got 20 *l.* for your vote at the last election?—I will. I told him nothing of the kind.

3829. Will you swear that you told him nothing of the kind?—Yes.

3830. Did you tell him that you had got 20 *l.* for your vote at the last election?—I did not.

3831. Perhaps "the last election" is not correct; during the time of the election did you tell him that you had got 20 *l.* for voting?—I did not.

3832. You were at Stephenson's Hotel before you went to Belfast?—Yes.

3833. When you were at Stephenson's Hotel, was there a row there?—There was.

3834. In front of the hotel?—Yes.

3835. Do you remember a mob of butchers coming up there?—Yes.

3836. Barbour's people?—I could not justly say whose.

3837. You knew perfectly well, when there was a crowd of people at that election, which side they were for?—Indeed, I could not tell.

3838. Do you mean to tell the Committee that (and you know you are upon your oath) you do not know whether they were Barbour's people or not?—I could not say.

3839. Did you hear them shout for Barbour?—Yes, I have heard them shout, and others were shouting for Verner.

3840. But I mean the party of butchers; who were they shouting for?—They were shouting for Mr. Barbour.

3841. Then you know that they were Barbour's people?—I could not justly say. I was up at Stephenson's; I was not down.

3842. Do you remember their trying to break into the house?—The butchers?

3843. Yes?—I could not justly say, for I was not down in the floor at all.

3844. Then, perhaps, you will say it unjustly; did you not know that the butchers, when you were there, tried to break into the house?—Well, they did strive to; but it was nothing of any value.

3845. Was there not a great noise, and great violence used to try and break into the house?—There was a noise of a crowd, but there was no harm done.

3846. I am not asking you whether there was harm done or not, but whether they were not trying to break into that house by force?—I did not see any violent work at all.

3847. Did you hear it?—I heard them shout.

3848. Did you not hear them trying to break in the door?—I did not.

3849. Did you not hear them threatening to break it in?—I did not.

3850. Were windows broken?—I do not know; I did not see any windows broken at that time.

3851. Do you not know that the windows were broken?—I think that there were plenty of windows broken through the town.

3852. I am not asking about the town, but about Stephenson's at that time?—I did not see any at the same time that I was there.

3853. Did you not hear the windows crashing?—I did not.

3854. That you swear?—I swear that I did not see a window broken at the same time.

3855. When did you see it?—I say that I did not see a window broken at the same time.

3856. Not the same time, but at what time did you see it?—No other time.

3857. Do you mean to swear that you did not see a window broken, or that a window was not broken in Stephenson's?—I did not see it.

3858. *Chairman.*] There was no window broken in the room in which you were?—No.

3859. Mr. *O'Malley.*]—Did you hear the crash of the windows?—I did not.

3860. Did you remain there Sunday and Monday?—Yes, until Monday night,

3861. Did you not see upon Sunday and Monday that the windows were broken?—I did not.

3862. You saw no windows broken?—I did not.

3863. You were not then upstairs; you were about the house?—Yes.

3864. You are sure that there were no windows broken?—There were none in my room.

3865. On the Sunday or Monday?—No.

3866. You did not see any upon Sunday or Monday that were broken?—I did not; it might be when we were taken away from the place.

Chairman.] I did not gather from the evidence-in-chief that when the witness was at Stephenson's he was about the house; he remained very much in the same room, the door of which was kept by a man of the name of Munce; and he and another person, of the name of Stewart, tried to get out, and could not.

Witness.] That was the way of it.

Chairman.] I do not think the witness quite understood the question; you put it as a part of a larger question.

3867. Mr. *O'Malley.*] Do you mean to say that you were not up and down the house upon the Sunday and Monday?—I was up no further than the kitchen.

3868. The kitchen was at the bottom part of the house?—Yes.

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3869. And your room is at the top of the house?—Yes.

3870. And you were up and down?—Yes; but no further.

3871. Were you not into other rooms of the house?—I was not; I had no call to go there.

3872. But whether you had a call or not, were you not into other rooms of the house?—I was not, because I went upstairs and to the kitchen, and cracked in the kitchen.

3873. Do you remember, upon that occasion, that the police had to be called for when the butchers came?—I do not. I did not see any desperation in my time.

3874. Nor did you hear it?—I heard the people shouting, but I did not see any.

3875. Did you hear the police were sent for?—I did not see any; and I thought I should have seen it.

3876. Were not the people inside the house trying to keep the mob out?—I did not see any desperation about.

3877. I do not ask you that. Were not the people inside trying to keep those who were outside out?—They were not.

3878. Do you mean to say that you remained during the whole of that time upstairs?—I was down in the kitchen, backward and forwards.

3879. You were up and down at the time the mob were there?—I did not see them, for the shop door was shut.

3880. Were you up and down at the time the mob were there?—I mind, but I did not hear.

3881. Did you see the crowd of people inside to keep the mob out?—Inside where I was?

3882. Yes?—The voters were all there; but I was not striving.

3883. Were not the voters trying to get the people out?—There was nobody wanting to force in that I saw.

3884. But whether they were trying to get in or not, were not the voters trying to keep them out?—They were not doing anything; they were keeping as they had, till they would get time to get us away.

3885. I suppose that is as true as everthing else which you have told us?—Yes.

3886. And you know nothing about that?—I do not.

3887. Did you ask to get away from Stephenson's?—Yes.

3888. Who did you ask?—Mr. Munce; and Mr. Stephenson himself told me to be easy and stop. It was all right.

3889. What did you ask to get out for?—To go home.

3890. The door was not closed, except when the mob was there, was it?—Our door was closed upstairs.

3891. Your bedroom door?—Yes.

3892. How could you go up and down stairs to the kitchen if your bedroom door was closed?—This was the Sunday, when the shop and all were closed.

3893. I am speaking of Saturday, Sunday, and Monday. You told us that you were up and down stairs from the room to the kitchen several times. How could you do that if your room door was closed?—There was a man keeping guard, and how could I get out.

3894. Would he let you down?—No, he would not let me out.

3895. He let you down to the kitchen, did he not?—Occasionally he did.

3896. Did you ever try the front door?—I did not get near it.

3897. What prevented you?—Mr. Robert Munce kept me.

3898. What prevented you from getting near the door when you were going up and down stairs in the house?—There was a man there; and if I wanted to go out I could not get out.

3899. What I want to know is, when you tried to get out and could not?—When I could not get out.

3900. When did you try?—Both upon Saturday night and Sunday.

3901. What hour on Saturday night did you try to get out?—Just about an hour or a quarter of an hour after I was taken there. I did not understand it.

3902. I will come back to that; but I will now have the time upon the Sunday. When, upon the Sunday, did you try to get out?—On Sunday I could not get out, for Mr. Stephenson kept the door shut.

3903. When did you try the door?—I tried it about 11 o'clock, when they were up, and I could not get out; it was barred.

3904. Eleven o'clock in the morning or evening?—On Sunday morning.

3905. *Chairman.*] Was it the door of the house or the door of the room that you tried?—The door of the room.

3906. Mr. *O'Malley.*] You tried that at 11 o'clock upon Sunday morning?—Yes.

3907. Did you call to anyone?—I did not on Sunday, for I was trying still to get away; but they were still keeping their eye upon me.

3908. Did you call to anyone upon the Sunday, when you wanted to get out?—No. I saw that they had me shut up, and told me to be easy where I was, and I would be well.

3909. Did you call to anyone, to get out?—I called upon Mrs. Stephenson, and she said that she would not open the door.

3910. You say that on the Sunday morning you called to Mrs. Stephenson to let you out?—Yes.

3911. That you swear?—Yes.

3912. Upon the Saturday you came into a room in there; what brought you to Stephenson's?—It was upon the Saturday night. It was Mr. Allen who brought us there upon the Saturday night.

3913. When you got in there you were unwilling to stay?—Yes.

3914. Who did you say so to?—He passed away when he got us in.

3915. Who did you tell that to?—Robert Munce, who was standing-keeper.

3916. You say you went by the train; was it the train, or the car, or how did you go to Belfast; was it a car?—Yes.

3917. It is eight miles?—Yes; they call it seven miles from Lisburn.

3918. Along the highroad?—Yes; but it was not the level road that they used to go, but they worked round.

3919. It is not an old road?—Yes.

3920. But the road they used to go I would have called the old road?—It is straight down.

3921. It was a regular high road?—Yes, it was; but the other went away round by a place.

3922. What hour did you start; was it eight or nine o'clock at night?—Yes.

3923. Did you call to anyone, or make any effort

effort to get away when you were going?—We could not call to get away.

3924. *Chairman.*] Were the cars covered or open cars?—It was a covered car. They shut the door, and two men with me; two men came down with us to Belfast in the covered car.

3925. Mr. *O'Malley.*] Who were the two men?—There was a man they called Carey, and there was another man who I cannot justly say the name of.

3926. *Chairman.*] Did those two men who were with you sit next to the door of the car?—Yes.

3927. Did anyone resist getting into the car?—No. When they were put in, the car was shut.

3928. Did you resist being put in; did you resist their attempt to put you into the car?—I was willing to get away, and they locked me up, and put me into it.

3929. By the *Committee.*] Do you say that you were willing to go away, and they locked you up and put you into the car?—Yes.

3930. Do you mean to say, if you had tried not to be locked up you could not have done so?—I could not get away from them.

3931. Mr. *O'Malley.*] You said that you were willing to go?—I was willing to go home; I was willing to get away from them.

3932. By the *Committee.*] Do you mean to tell us that a strong man like you could not prevent himself from being lifted into a car?—I could not fight against four men at all.

3933. There were four men?—Yes.

3934. Mr. *O'Malley.*] Do you mean to say that you do not know the other man who left the door of the car?—I could not justly say who they were; young fellows.

3935. Who were the four men fighting with you, and making you go into the car?—One of them was called Carey, I do not know the others.

3936. We want the names of the others?—Mr. Jefferson was with me till I went to the car, and they came on down to Belfast with us other three.

3937. Was Mr. Jefferson one of those that were forcing you into the car?—Yes.

3938. Did you go afterwards to the Market Square, before you went away?—Yes.

3939. You walked up to the Market Square, did you not?—Yes.

3940. From Stephenson's?—Yes.

3941. Through the streets?—No.

3942. Did you go through the public streets?—No; we walked up. We were kept together, and men to guard us up.

3943. Did you go through the streets?—I did not.

3944. How did you go?—We walked up.

3945. Did you walk up along the streets?—Straight up to the cars. The party kept us in close.

3946. Do you mean to say that you did not go along the streets?—Yes; we had to go up to the car.

3947. And into the market-place, and there take your seats in the cars?—I was forced to.

3948. You say that you first went to Ingram's, and then went on to another house; was that Mrs. Mackellwee's?—Yes.

3949. Now, at the time you were at Stephenson's did you make any attempt to get away?—I was put up at the top of the house. I could not know the way out.

3950. You would not know the way out?—Indeed, I would not; for I was in a room, and would not know the way out.

3951. Did you try?—Yes, I tried; but they would let no man out; and I was not out for a fortnight.

3952. We will take it step by step; you tried to get away, and could not?—Yes.

3953. You said also something about they would not let you out?—Yes.

3954. Who prevented you going out?—A man of the name of Robert Munce, and another strange man.

3955. He prevented you going out?—Yes.

3956. Will you tell me at what time you asked to go out and were prevented?—The next morning, I was.

3957. What day in the week was that?—That was Tuesday morning.

3958. Did you ask Munce to let you out?—I did.

3959. And he refused?—He did, he refused to let me out at all.

3960. Did you want to go home then?—Yes, I did.

3961. Do you remember a man of Mr. Barbour's coming into the room?—I could not tell whether he was a man of Mr. Barbour's. I do mind a man wanting to come into the room; but they would not let him.

3962. You remember that?—Yes.

3963. He came up to the room door, did he?—Yes.

3964. Did he not get in?—I do not remember his getting in, for the door was shut.

3965. Do you not know that he got in?—I do not know whether he got in or not.

3966. Did you not see him in the room?—I did not see him in the room, I saw him at the door wanting to come in.

3967. The door must have been open? did you not see him in the room?—He was wanting to come in.

3968. Did you not see him in the room?—I did, it was not in the room, but he just got in at the door: but he was put out.

3969. Was it in the room, or out of the room?—He just got to the door, till he was pushed back, and the door was shut.

3970. Did he not get into the room?—He just got to the door.

3971. Did he go into the room?—He got no further than the door.

3972. Did he get into the room?—No further than the door.

3973. Do you remember charging Mackellwees with selling the pass, because he had let him in?—I do not.

3974. Will you swear that you did not?—I will; I had no interference with him.

3975. Will you swear that you did not say to Mackellwees, "you have sold the pass"?—I will; they said something about it, but they did not know the man.

3976. Did you not yourself try to get the man away, to push him out?—I did not, I shouted out to them to let the man in, and they would not do it.

3977. Do you not remember saying to Mackellwees, in the presence of his wife, that he had sold the pass?—I do not.

3978. In allowing that man to come into the room?—I did not, I never spoke to him about anything of the kind.

3979. Did

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3979. Did your wife come to you whilst you were at Mackellwee's?—No, she did not.

3980. You mean positively to swear that your wife did not come?—She did not. It was not my wife. Munce's wife came, and said that she could not get in to see him.

3981. Did she come to Stephenson's?—She did.

3982. Did she ask you to go away?—She wanted me home; but I took her up and put her out.

3983. Did you not refuse to go home?—I did not refuse. I was willing to go home. But other men had advised me that I was going to be well paid, as much as Mr. Barbour, and to stay where I was, and contented me there, when they promised me that.

3984. They contented you there?—Yes; that I had better stay when I was there; and that was as much as Mr. Barbour was giving.

3985. That is the reason that you did not go; they contented you there?—Yes.

3986. They contented you to stay there by their promise?—Yes.

3987. *Chairman.*] Upon what day did your wife come to you at Stephenson's?—It was in the morning.

3988. What morning?—Monday, about 11 o'clock.

3989. When was it that they first contented you to stay there?—Monday, all day, they contented me.

3990. Did they content you on Sunday?—There were odd men there.

3991. But did they content you on Sunday?—They contented me on Sunday and Monday.

3992. Did they content you upon Saturday?—No, they did not.

3993. Mr. *O'Malley.*] Do you know a man named Connolly?—Yes. I knew Mr. William Connolly. He is dead now.

3994. Was he alive at the June election?—He was.

3995. Were you in his yard before the election?—I was often in the yard and in the house.

3996. Did you remain at Connolly's for three days before the June election?—Well, I did stop. No, it was two days.

3997. Was it not three days?—I cannot recollect; but I think that it was either two or three days.

3998. How came you to stop there two or three days before the election?—I had just stopped there because it was convenient to the place of voting.

3999. But Lisburn is not a very large place?—It is not.

4000. You stayed there because it was convenient to the place of voting?—Yes.

4001. Was that the only reason?—There was another reason; for fear, maybe, that somebody would take me away.

4002. How many were there with you at the time?—There were just two.

4003. Who were the other two?—There was a man of the name of Jemmy Lavery.

4004. Who was the other?—I do not know the man.

4005. Was he a voter?—I think that he was.

4006. *Chairman*]. Was Lavery a voter?—Yes.

4007. Mr. *O'Malley.*] I see you went up to the poll together?—Yes.

4008. Three of you?—Yes.

4009. You went up from the yard to the poll?—Yes.

4010. *Chairman.*] Do their names appear upon the poll-book together?—Mr. *Cooke.*] Yes.

4011. Mr. *O'Malley.*] Were you shut up there?—No, we were not.

4012. But you did not go out at all during those three days?—I had no call.

4013. But you did not go out?—I was out in the yard.

4014. But no further than the yard?—No.

4015. You were kept there to keep you safe?—I was.

4016. During the time you were there did you get anything in Conolly's yard?—I did not.

4017. Do you remember a little girl leaving you something?—I do not.

4018. At any time?—I do not.

4019. Not a 20 *l.* note?—I did not; I wish I had.

4020. Twenty 1 *l.* notes?—I do not remember; I do not indeed.

4021. You would not forget that, you know?—I would not forget it if I had seen it.

4022. But you do not remember?—I do not.

4023. Now, try again; you do not remember the twenty 1 *l.* notes?—I do not.

4024. You may have got it and forgotten it?—I would not have forgotten it at all, indeed I would not.

4025. Will you swear that you did not get twenty 1 *l.* notes from a little girl?—I will. I never got it from a little girl in my life.

4026. *Chairman.*] Did you not get it from anybody else?—I did not; I know nothing about it; it was my own free good will.

4027. Mr. *O'Malley.*] What was of your free good will?—Giving my vote to Mr. Richardson.

4028. *Chairman.*] Did you get any money from anybody else for voting for Mr. Richardson?—I did not.

4029. Now, recollect?—I did not.

4030. By the *Committee.*] Did you get anything from anybody during those days you were in Conolly's yard?—I did not.

4031. Mr. *O'Malley.*] I am not asking now about Richardson, but about Mr. Barbour; about your voting for Mr. Barbour?—I did not vote for him.

4032. No, but before, to vote for Mr. Barbour; did you get any money?—I did not; I was not voting for him; they had taken me away from Mr. Verner.

4033. No, but Mr. Robert Barbour; you know the time you were shut up there, you were shut up for Mr. Barbour?—

> Mr. *Rodwell.*] Shut up where?
>
> Mr. *O'Malley.*] At Conolly's yard. At the time you were waiting for Mr. Barbour, not for Mr. Richardson?

I was not; it was for Mr. Richardson.

4034. Do you not know that Mr. Richardson was not thought of then?—I know nothing about that; they asked me to do it, and I done it.

4035. Who asked you to do it?—Mr. Conolly, the deceased man, asked me.

4036. It was he asked you to go to the yard?—He had asked a good lot more than me; I do not know how many, and I did not see them.

4037. Was he keeping a good many more than you in the yard?—He was not; he had none but us three that I see.

4038. Mr. Conolly asked you to go to the yard; was that it?—Not at all.

4039. What did he ask you, then?—He asked me

me would I vote for Mr. Richardson, and I said I would.

4040. Now I ask you again, did you not get 20*l.*; twenty 1 *l.* notes?—I did not.

4041. Did your wife?—Nor my wife.

4042. You never had twenty 1 *l.* notes in your possession at that time?—Indeed I had not.

4043. You say that Mr. Verner, Mr. George Thompson, and Mr. Beatty came to you before the election?—Yes.

4044. How long before the election was that?—I could not justly say; I am not clear on it; I think it was about three or four days.

4045. It must have been more than three days, because you were shut up in the yard three days?—It may be a week or eight days then, or it might be a fortnight; I could not justly say, for I am not a man who would be looking over the number of times.

4046. Can you tell me, within a fortnight, when it was?—I could not justly say, but it was very close on the time, I know.

4047. But I want to fix the time?—I think it might be a week, perhaps.

4048. What hour of the day?—That Mr. Verner came?

4049. Yes?—I think it was between 11 and 12 o'clock.

4050. He came to your house?—Yes.

4051. Who was there?—There was no one. I was out in the backyard minding the pigs, and my wife called me in.

4052. Now, you say that they asked you, and flattered you, and said they would be better fellows the next time?—Yes.

4053. Will you swear that Mr. Verner said that to you?—Yes; I will swear that he said he would be better to us.

4054. Now, I will take you through each. First of all, will you swear that Mr. Verner said that to you?—Yes; he said to back us this time.

4055. No; I am asking you as to those words. Did he say they would be better fellows next time?—Yes.

4056. Mr. Verner said that?—Yes, and the Committee-ers that were with him.

4057. Which of them said it?—Mr. Beatty.

4058. Then Mr. Verner did not say it; did he say it too?—Both of them said it.

4059. Did Mr. Thompson say anything?—He said nothing.

4060. But you are sure now that both Mr. Verner and Mr. Beatty said it?—Yes; they were the other two men that were cracking.

4061. I am not asking you about the cracking. You swear that Mr. Verner used those words to you?—Yes.

4062. And you swear that Mr. Beatty used those words to you?—Yes.

4063. Were they both together when they spoke?—They were.

4064. Now, you said that Mr. Verner asked you to give your vote, and that you told him you were very careless about a man who was away from Lisburn?—Yes.

4065. What were the words? "You will have to back us again." Was that what he said?—Yes, "to back us again."

4066. You have told us that Mr. Beatty said there would be a reward, and they would be better to you the next time?—Yes.

4067. Was that at the same visit?—Yes.

4068. And Mr. Verner was present?—Yes.

4069. Near enough to hear?—Yes.

4070. Now I come to Belcher's publichouse. You say Mr. Jefferson was there?—Yes.

4071. What were the words he used?—He asked me would I take a glass of whisky, and I said I could.

4072. That you were not unwilling to do, I daresay?—I could take one. He asked me would I take another, and I said no; one was plenty for me. I said, "You ought to be doing something for us, Mr. Jefferson," and he said he would not do anything at present. So I then rose and went to go out, and then Mrs. Belcher followed me with 10*s*, and I "thanked her, ma'am."

4073. Was that all that passed?—That is all that passed.

4074. Do you swear that?—Yes.

4075. She did not tell you what it was for?—She did not.

4076. Your wife was not present at any of those times, was she?—No.

Mr. *Rodwell.*] What times?

4077. Mr. *O'Malley.*] I mean any of those times that you saw Mr. Verner and Mr. Beatty?—She was present.

4078-9. Then what did you mean by saying she was not?—

Mr. *Rodwell.*] You were talking of Belcher's publichouse, and then you say "any of those times."

Witness.] She was not there, but she was in her own house before; she heard them speaking the words in her own house.

4080-1. Mr. *O'Malley.*] Was that where you were?—Yes, in my own house at the time.

4082. Then you were in your own house at the time?—Yes.

4083. What room were you in?—I was in the kitchen—in the shop.

4084. Which was it; you know whether you were in the kitchen or the shop?—I was in the shop.

4085. When Mr. Verner and Mr. Beatty spoke those words to you, you were in the shop?—Yes.

4086. Where was your wife?—She was just there too, behind the counter.

4087. Was she in the shop too?—Yes.

4088. An open shop?—Yes.

4089. Open to the street?—Yes.

4090. You told us that was about 11 o'clock in the day?—Between 11 and 12 o'clock in the day.

4091. What day in the week?—I could not say what day in the week.

4092. You know the day of the week?—I do not.

4093. Where did you go after this?—I went out to my work again.

4094. Was that the same day you went to Mrs. Belcher's?—No, it was not.

4095. How long, before or after, was it?—It was after that; about two or three days after.

4096. That you went to Mrs. Belcher's?—I was going down the street, and Mr. Jefferson met me.

4097. That you were at Mrs. Belcher's?—Yes.

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4098. It was two or three days after that you were at Mrs. Belcher's?—Yes.

4099. How long before you went into the yard and took up your quarters was that?—I did not take up any quarters in the yard.

4100. But before you went to stay there; how long before was it?—How long before we went where?

4101. To Mr. Connolly's?—It was about three days.

4102. It was three days before the election that you went to Mr. Connolly's. How long before you went to Mr. Connolly's was it that you had this drinking of whisky at Mrs. Belcher's?—About three days before that.

4103. How long before that was it that you were talking to Mr. Verner?—It might be eight days or a fortnight. I would not just say the number of days.

4104. It might be eight days or a fortnight before you got the whisky at this Belcher's that you were talking to Mr. Verner?—Yes.

4105. Do you mean to say that that is all the account you can give us?—Yes; I was not looking at the number of days. I did not go on strictly to know the hour.

4106. Suppose it was a fortnight, that would be three weeks before the election?—Yes.

4107. Now you have told us that when you were at Stephenson's Mr. William Graham came to look at you?—Yes.

4108. Now you swear to that?—Yes.

4109. What time was that?—I was there Saturday night once; that is all the time I saw him.

4110. When else?—I did not see him. I went away on Monday.

4111. I want to know when he came to look at you on Saturday night; was that the only time?—Yes, that was all the time.

4112. Was it upstairs or downstairs?—Upstairs. He did not stay very long.

4113. At all events, whether long or short, you swear that Mr. William Graham came up and saw you in the room?—And Sam Young.

4114. How many people were there then?—About thirteen of us.

4115. What did you get for coming over here?—I did not get anything.

4116. Nor promised anything?—Nor promised anything. I am leaving it to the gentlemen, to their own discretion, for coming here. They fetched me here. I am losing a deal of time. I could earn some money at home.

4117. Did you tell them you left it to their generosity?—Yes; I cannot do anything else. It is no play fetching a man so far; leaving his place when he has business to mind.

4118. Are you paying your own expenses here?—I think they will do that for me. I think they will give me a taste of meat when they have me here.

4119. You know what they are giving you?—Indeed, I do not know who will pay it yet; the bill is not made out.

4120. You are getting all that you want, and paying for it?—I do not know.

4121. Do you think you will have to pay?—I would rather not.

4122. Had you a ticket for your passage?—I had.

4123. And you left the payment to yourself to their generosity?—Yes.

4124. You say you got no money at all to come?—No money.

4125. Not a penny?—Not a penny.

4126. Did your wife?—No.

4127. You mean to swear that?—I mean to swear it. I have seen none yet.

4128. Whether you have seen it or not, do you know that your wife has got it?—I do not know.

Re-examined by Mr. *Rodwell.*

4129. You have not got any money?—No, I have not.

4130. When you were at Belcher's you said to Jefferson, "You ought to be doing something for us." Was that what you said to him?—Yes.

4131. What did he say to you?—He said he would be doing something for us, if we would take time, and keep quiet.

4132. When Mr. Verner, Mr. Beatty, and Mr. Thompson called, that was the occasion on which you said you were engaged in your yard with your pigs?—Yes.

4133. And your wife called you into the house?—Yes.

4134. That is the only occasion on which you saw Mr. Beatty, Mr. Verner, and Mr. Thompson?—Yes.

4135. And then you stated that the conversations took place which my learned friend has asked you those questions about?—Yes.

4136. *Chairman.*] When did Mr. Connolly ask you for your vote?—It was a fortnight before it came on. I said I would give my vote to Mr. Richardson.

4137. Did he at that time ask you to vote for Mr. Richardson, or did he ask you for your vote without mentioning any name?—He said it was for Mr. Richardson, and I said I would at that time.

4138. He said at that time that it was for Mr. Richardson?—Yes.

4139. You are quite sure of that?—Yes, I am.

4140. That he asked you to vote, naming the name of Mr. Richardson?—Yes.

4141. When you were at Stephenson's did you see Samuel Young?—Yes.

4142. And Graham?—Yes.

4143. And Redmond Jefferson?—Yes.

4144. Did you complain to them that you were kept in the house, and wanted to get out?—I did complain.

4145. Did you complain to them, and say you wanted to get out?—I did complain heavy.

4146. Did any of them say anything to you?—They said——

4147. Who said?—Sam Young said I should be content; I would be as well done for where I was as for Mr. Barbour, and then I was content.

4148. Then you were content to stay?—Yes.

4149. When Munce held up his hands as you described to the Committee, who was present?—There were these voting-men all there; there were 13 of them; they were towns-park men, and they had their fixture made, I suppose, and I was still content. I was content when he showed me that I would be well done for too.

4150. Was anybody else present except these 13 voters?—No.

4151. No one?—Not at that time.

CATHERINE GAMBLE was called in; and, having been sworn, was Examined by Mr. *Rodwell*, as follows:

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4152. Is your name Catherine Gamble?—Yes.

4153. Is the man who has just gone out your husband?—Yes.

4154. And you live at Lisburn?—Yes.

4155. Do you recollect the February election?—I do, a little of it.

4156. Do you recollect one night before the February election a man of the name of James Allen coming to your husband?—Yes.

4157. Did you hear what he said to your husband?—I heard him saying for to come and look at a little pig.

4158. Did your husband go?—He did.

4159. Did your husband come back again that night?—I had a cup of tea wet, and I went to the door, and asked him in, and he told me he would be in in about five minutes, to his face.

4160. He told you that?—Yes.

4161. Did he come back?—No, he did not.

4162. Did you make inquiries about him?—I did.

4163. Did some one tell you where he was?—I went round the corner to see if any person could tell me where he had been.

4164. Where did you go?—I went to a neighbour of the name of Robert Wilson.

4165. You need not tell us what he said; did you go somewhere to look after your husband?—I went to James Allen's house.

4166. That was the man who had come for your husband?—Yes, and he was not there, but James Allen told me that he was—I cannot mention the name—at a public-house.

4167. Stephenson's?—Stephenson's.

4168. Did you go to Stephenson's?—I did, I went to the door.

4169. At what time?—About half-past eleven, I should think.

4170. At night?—Yes.

4171. When you got there, what did you do?—The doors were all closed up, and there was a crowd at the door; not knowing the consequences, and what was took in hand, I asked them could I get in, and they said that I could not; I said I would get in, for that my husband was there; then the man who was keeping the door said he did not know who I was, and I had rapped myself, there was no person rapped for me; when I went to the door, and he saw I was a woman, he pushed me, and I pushed him away in passion just for to get in, for that I would have him, and I did push in.

4172. What happened when you pushed in? you did not push in far, did you?—I went into the yard, and I had some acquaintance with the men at Lisburn, and I asked them where he was; this was in the yard; they told me to go into the kitchen to the mistress; when I went in, she made much of me, and asked me would I go upstairs, for my husband was there; and I said I would not, as I was in a state just coming from my business, and would she be so kind as to bring him to me.

4173. That is your husband?—Yes. They went up; I think it was the mistress's self; she stayed a few minutes. In about 15 minutes he came down, and there were several other men there that I could not just say, but I knew them all to be neighbours. I said "will you come home?" "I think so," said he. Some of them spoke up and said to him not to come at the present time, but that he would be after. Says I, "there is no person in our house but a strange man and woman with me; and if this is only a thing of the election," said I, "I do not stop, for I am a weak woman, and you know you must just be in your own house." Well, he said he would be after me, but he did not come.

4174. Did you get into the room in which he was?—Not at the present time. When I went up on Saturday night I did not ask to get in; I just wanted himself.

4175. He did not come home?—No; he did not come home.

4176. Did you go to him again on the Sunday morning?—I did not; I spoke to my neighbours; I was ashamed to go.

4177. You did not go on the Sunday; did you go on the Monday?—I did not. I beg your pardon, for a minute. I spoke to my neighbours and said ——

4178. No; will you answer my question? You did not go on the Sunday?—I did not.

4179. Did you go on the Monday?—I did.

4180. What time did you go on Monday?—He sent for me.

4181. Who sent for you?—Arthur's self; I sent up to get a shirt.

4182. Tell us what you did?—I brought him some things with me.

4183. When you got there on the Monday morning, who did you see there?—I saw all my own neighbours; I could not mention their names particularly, but they were not foreigners; they were all my own neighbours round about me.

4184. Did you see Redmond Jefferson there?—I did.

4185. That was on the Monday?—Yes.

4186. Did you say anything to him?—He asked me what would I drink, and I took half a glass of spirits. That was all.

4187. Where did you have the spirits?—Just in the sitting-room, where all the men were.

4188. Do you know Samuel Young?—I do.

4189. Did you see him there on any of the days that you went, or more than once?—Yes, I did see Sam Young.

4190. When did you see him there?—I think it was the night of the first taking.

4191. On the Saturday night?—Yes.

4192. What was he doing?—I did not see him doing anything. He was just standing back. The men did not interfere with me at all.

4193. Did you give his linen to your husband?—Yes, I did.

4194. Did you have some information given you that evening about your husband's going away?—I did. I went to him and told him not to go, for that I would not let him.

4195. Did you go down to Stephenson's to tell your husband that?—I did.

4196. When you were at the door did you see anything there?—Yes, I saw a crowd of people, to be sure.

4197. Anything else besides the people?—I could not say.

4198. Did you see some cars—some carriages there?—Yes, I did, at night.

4199. Did you ask to go in?—I did.

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4200. Did you get in?—No; there was a man there who pushed me back into Mr. Tumbletie's.

4201. Is that the next door?—I could not say; I would think it was.

4202. Close by?—Yes; maybe I mistake, but I think it to be Tumbletie's.

4203. Were you pushed in there against that wall?—Yes; he took hold of me and pushed me back, to pass me. It was at the same man's door that I was speaking of. He knew my errand, and I just wanted to bring my husband home. The man that gripped hold of me knew my errand.

4204. What was the name of the man?—I could not say; he was quite strange to me, indeed.

4205. How long did you stop at Tumbletie's?—The servant girl told me to come forward to the fire, and to sit down a little by it. I went to the fire and sat down a little by it, for I was tired; and during the time I had been there they whisked him away with the cars, and I never saw him more.

4206. Why did you not get out of Tumbletie's?—They would not let me.

4207. Who would not?—A crowd at the door.

4208. When you came out the cars were gone?—Yes.

4209. And you did not see your husband again, for how long?—For a fortnight, I would think.

4210. Do you recollect Mr. Verner, the candidate, coming to your house?—I do.

4211. Do you know what day that was?—Indeed I do not.

4212. Was it after your husband was gone?—Yes, it was.

4213. And before the election?—Yes, it was when my husband was in Belfast. I would think it was on the Wednesday following that Monday.

4214. Who was with Mr. Verner when he came?—I could not say altogether.

4215. Do not tell us all. Tell us some?—Mr. Colbeck was with him.

4216. Who else?—I do not know whether Sam Young was with him or not.

4217. What is your belief? Do you think he was, or do you think he was not?—There were three men with him, and one of them was Mr. Verner, and one of them was Mr. Colbeck. I knew him. There were two other men, I could not say who.

4218. What did Mr. Verner say to you?—A crowd gathered.

4219. What did he do first?—He shook hands with me, and asked me how I did. I told him I was in a bad state of health.

4220. Did he say anything about your husband?—No, he did not at that present time. He replied, and said that he thought I was, and that I should speak to a doctor.

4221. What did you say to him?—Well, indeed, I did not say that I would. I told him that my husband was away.

4222. Was anything said about your husband before you said that? Did he say anything about your husband?—I could not recollect.

4223. Did you say where your husband was?—Yes, I did tell him before he came out, but not in the front, of what I have said yet. I told him that I was poorly in health, and that I was not in a middling way for my husband to be taken from me, for he was all the support I had in the house. He said, you know, I need not make any apologies like in a proper kind of way, for he asks nothing of him, for he could not allow me anything.

4224. Was anything said about your husband then?—No; he passed his compliments to me, and made a very short conversation and went away.

4225. What was that conversation?—Nothing, only just through Mr. Colbeck's family and me knowing them. I was glad to see Mr. Colbeck at the present time, and I made the whole discourse to him concerning my mother.

4226. Was any question asked as to where your husband was, or did you tell them where he was?—Yes, they knew, I think.

4227. Tell us was passed about that?—I could not. I am not able to say. I do not mind it, indeed.

4228. You do not know the precise words?—No, there were no precise words whatever, only just passing compliments when they were going out, that I minded.

4229. Did you say where your husband was?—Yes, I did; for he was away at that time; for that was the time he was away, to be sure, I said.

4230. Did you know where your husband was?—Yes. Didn't I know where he was when he was away at Belfast.

4231. Did you tell them so?—I could not say just; but I am sure I did.

4232. What did you say?—I could not say anything more of what I said than what I have said.

4233. Was any inquiry made as to your husband, whether he was at home, or where he was?—By them?

4234. Yes?—Well, indeed, I could not say.

4235. After they were gone, did you see James Allen?—Not that day.

4236. How soon after?—I saw him on the Saturday following. It was the Wednesday they were in with me.

4237. This was the Saturday following?—Yes, I think so. I think I told you that before.

4238. James Allen was the man who had come to your husband, to ask him to look at the pig?—Yes, that was the very man.

4239. Did James Allen come into your shop on the Saturday?—He did.

4240. What took place between you and him there?—He took me into the room and he gave me a pound.

4241. When he gave you the pound, did he say anything?—He did.

4242. What was it?—He told me to keep myself comfortable, as I was in a bad state of health, and he told me to keep close and I would get more.

4243. What did you say?—I thanked him.

4244. Did you say anything to him?—I did, I thanked him.

4245. Was anything said about where it came from?—No, there was not, and I never asked any question. I am not a woman of much talk, and I never ask no questions.

4246. You recollect the June election?—I do.

4247. Before that took place, do you recollect Mr. Verner coming to your house?—I do.

4248. Who came with him?—Indeed, I knew them at the time, but I could not say firmly who they were. I think Mr. Ward was with him. I think he was one of the gentlemen; and indeed I could not say.

4249. You do not recollect the names?—Indeed I do not, for I was not looking in a kind of way to keep it in my head—that there would be anything like this.

4250. Did Mr. Verner come more than once before

before the June election to your house, in your recollection?—No, it was the other gentleman.

4251. How many gentlemen were there came?—He never was by himself; he still had two or three with him.

4252. Where was your husband when they came?—He was at the back door, I think, and I brought him in to the gentlemen.

4253. Do you know Mr. David Beatty?—Yes, I think he was there.

4254. Did your husband come from the back door into the room or shop?—They never came further than the shop.

4254*. When your husband came to Mr. Verner, and Mr. Beatty, and this other gentleman, was anything said?—He did pass his compliments.

4255. Who did?—My husband and Mr. Verner. Mr. Verner shook hands, and he asked him.

4255*. What did he say to him?—My husband just said he could not say.

4256. What did Mr. Verner say to him first?—He implied to him would he stick to him, as usual.

4256*. What did your husband say?—He said that he could not say. He had better alter his will before he did it, for they used him so badly that he could not think to do it.

4257. Did Mr. Verner, or any of the gentlemen, say anything to that?—No, they did not; they took it very softly, and went out.

4257*. What did your husband say more than you have told us?—Nothing.

4258. Nothing more than you have told us?—Nothing that I can remember. There might be words dropped, but I am not in a position to tell you.

4258*. Was there something more took place, which you do not remember?—I could not say; and I would not say, for I did not hear anything but what I told you.

4259. Did Mr. Beatty say anything to your husband?—No, I did not hear him. He might, for I am a woman that does not stop long in one place in the house, and I would not stop long to see.

4259*. *Chairman.*] Were you in the room the whole time that these gentlemen were in the room?—They never were in the room at all, they were just in the shop.

4260. Well, in the shop?—Yes.

4260*. You were there the whole of the time?—I could not say, I don't think I was standing up there; I think the men had discourse that I did not hear.

4261. Mr. *Rodwell.*] Was anything said by anybody about the previous election in February?—No, nothing that I heard of.

4261*. You said your husband used the expression that he had been ill-used?—Yes.

4262. Did he say how or in what way?—He had got promised, and faithfully promised, and he never got anything only what James Allen gave me—the pound.

4262*. Did he say that?—I could not think that he said it just presently to Mr. Verner, but he gave him great hints.

4263. In what words did he give him the hint?—Yes, because they took him away, and let the rest of the men of the town stay, and took my husband away from home, and a poor state in every way we were in, and they did not keep to their promise.

4263*. I want you to tell these gentlemen what your husband said to Mr. Verner or to Mr. Beatty, or to both of them?—When Mr. Verner asked the question would he be so good as he was before, I think he said not.

4264. Have you made a statement of the evidence you were going to give here?

Mr. *Cooke* objected to the question on the ground that it was an attempt in an examination in chief to discredit a witness who had not shown herself to be an adverse witness.

Mr. *Rodwell* was heard in support of the question.

Mr. *Cooke* was heard in reply.

The room was cleared, and the Committee deliberated.

After some time parties were re-admitted.

The *Chairman* stated that the Committee were of opinion that the question could not be put.

4265. Did either of the gentlemen, when they left your shop, wish your husband good bye? do you recollect their doing that?—He did.

4266. Who?—I think it was Mr. Verner.

4267. In what way did he wish him good bye?—I think the last election we are talking about.

4268–9. I am talking of the last election?

The *Chairman.*] Mr. Verner wished your husband good bye?

Mr. *Rodwell.*] In what way.

Witness.] Why, in a kindly kind of way.

4270–1. What did he say?—I could not say.

4272. Cannot you recollect?—Only "Good morning," I think.

4273. Did he shake hands?—He did.

4274. Was anything said about your health?—Oh, not at that present time. He asked me when he came in, and I said I was better.

4275. You did not tell us that before?—You did not ask me.

4276. I could not ask you the very words he used, but I asked what he said?—Well, he asked me how my health was, and I told him I was quite better.

4277. Go on?—I could not say anything more till you ask me a question.

Cross-examined by Mr. *O'Malley.*

4278. Mrs. Gamble, on the Saturday evening you went to Stephenson's first of all, before the first election, did you find a great crowd of people at the door outside Stephenson's?—Yes, sir. At the first election there was not a great crowd, but there was some.

4279. Do you remember a crowd of people they call the "Butchers," going through the town and breaking the windows?—We know the butchers; they did not know anything of it.

4280. You remember the party of butchers and people going through the town and breaking the windows?—But not that night my husband was asked.

4281. Well, at all events, I think you tell me when you saw him, he came down to you in the kitchen?—Yes, he did.

4282. About how long were you talking to him in the kitchen?—Not many minutes. I left no person in my house.

4283. You then went home, expecting he would follow you?—I did.

4284. Now, on the Monday, if I understood you right, you did not see your husband; you were warming yourself at the fire, and he went on the car; or, did you see him on the Monday?—On the Monday morning I went to speak to him.

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4285. In what part of Stephenson's house did you speak to him?—In a big room, and I came into the room.

4286. Is that on the ground floor?—It was up on the boards like a liberty hall; a big room.

4287. Then you took him into a room; I did not quite catch the word?—I took him into the room.

4288. You took him into the bed-room?—Yes.

4289. To put the clean things on?—Yes.

4290. And was he with you in the bed-room where he changed clothes?—He was.

4291. Did you carry away the things he took off?—I did.

4292. Did you make any arrangement then to come and see him in the evening, or not?—I was wanted at home, and would make him come according to my own wishes.

4293. You wished him to come home?—Yes.

4294. Did he refuse?—He said he did not like to come.

4295. Was he contented to stop where you found him?—I found him contented, in a kind of way more than come up to my pleasure.

4296. More than pleased you?—Yes.

4297. In fact, he showed a desire to stop at Mrs. Stephenson's, instead of coming home to his own wife?—I did not like the company.

4298. He ought to have left, and come to assist you in business?—Yes; and he has a business of his own.

4299. In fact, you went away disappointed in his conduct?—Disappointed! how, sir?

4300. Angry that he did not come with you?—I was; and I was angry again in the evening.

4301. He went away from you, did he not, before the last election in June?—He did.

4302. How long did you lose him then?—This last election?

4303. The last election in June?—Well, they took him away, but he came back again the night.

4304. Was not he away two or three nights before he voted?—Two or three days.

4305. And nights?—Yes; from Tuesday morning, or whatever day it was.

4306. The voting day?—Yes.

4307–8. Was it with your permission or against it?—Yes; more with my permission.

Chairman.] What day was the poll?

Mr. *O'Malley.*] The 26th June.

Mr. *Rodwell.*] The 25th.

Chairman.] What day of the week?

Mr. *Rodwell.*] Thursday.

Chairman.] Well, Tuesday to Thursday then.

Mr. *O'Malley.*] The returning officer dates it the 25th.—(*To Witness.*) Was that more with your permission?—It was.

4309. You had wished him to vote for Barbour?—Yes, I did. They did not promise anything, but I got a living by the workpeople at the factory coming to me.

4310. If I understand you, you got a benefit from the people employed at the Barbour's dealing at your shop?—Yes; I keep a little shop.

4311. Very well; then, was it for Barbour you got him to promise to vote?—I never was asked the question.

4312. Did you tell him that your wishes were that he should vote not for Verner but Barbour?—When I was asked, I said I wished he would.

4313. You say you gave permission to your husband to go away; what was the reason for your permitting him to go away for two or three days before the election?—I do not know about his going away.

4314. You said it was more by your permission?—I said more by my wishes.

4315. Who did you expect him to vote for, Robert Barbour?—Yes.

4316. Do you know where he was the two or three days?—I do not know. I came to know where he was, but I did not know when he went out where he was going.

4317. How long was he absent before you knew where he was?—He went up to market to buy some butter, and never came back.

4318. And you were left a forlorn widow, and weak in health, and strange people lodging with you. Did you make any inquiry about him?—I did.

4319 Where did you find he was?—I found he was in a Mr. Connolly's.

4320. Did you take him any clean clothes there?—Yes, he did get clothes.

4321. Did you take them?—I did.

4322. And you saw him there?—Yes.

4323. Did you know he was kept there to vote for Mr. Barbour?—I did.

4324. For Robert Barbour?—Yes.

4325. Well, now, did any packet of anything come to you?—Never.

4326. You never heard of a little girl and some one pound notes?—No.

4327, What did you have since the election? Come now, tell me truly?—I do not know what you want of the kind.

4328. For voting for Richardson, goodwill, or anything you like?—My husband never voted for Barbour at all.

4329. I know that; he voted for Richardson?—We never got anything from Barbour.

4330. But from sombody else; what was it?—He got nothing.

4331. But you did?—Me! I never received a farthing.

4332. No; they don't give it in farthings at Lisburn?—No. I never got any money from the gentlemen that came to my house.

4333. Never mind if it was not a gentleman?—I never got a farthing but from James Allen.

4334. But I want the last election in June. I know it was not farthings. Was it not some one pound notes?—I never got any.

4335. But were they left on the counter?—No; never was one laid down in the house.

4336. Not laid down in the house?—Neither counter, drawer, desk, or shelf.

4337. How did it come?—If any came, it came unseen; and we did not see it.

4338. But did you feel it?—No.

4339. Was there no money from Hugh Kane?—What do you say?

4340. You had better tell us; you know Hugh Kane; I should not like to call him to contradict you; what did you get from Hugh Kane?—I do not know; I cannot understand who you are speaking of.

4341. Hugh Kane; call him Kane if you like. He is very well known?—I do not think he had got money to give out.

4342. But he may have got other people's; what did you get from Kane?—I got a promise from him at the first election, but not the sum.

4343. You got promises only at the first election,

tion, but no sum?—Yes. I have never got the sum.

4344. Did any come into the house that you never saw?—No; nobody brought me money at all.

4345. But you say that if any came you did not see it; how was it managed then? Did one of the lodgers take it?—If there had been money, I did not see it. There never was money left in my house.

4346. But was it left in the till without your knowing how it came there?—I do not know.

4347. Mr. *Rodwell.*] The only money you received was the pound from Allen?—Yes.

4348. You had promises of more?—I did on the same election. *C. Gamble.*

4349. From whom?—From Mr. Allen. 15 March 1864.

4350. What did Hugh Kane promise you?—Hugh Kane never promised anything, only he said we would get something, and were not to be afraid; he would get as much as anybody would promise on the other side.

4351. Which side was Hugh Kane for?—For Mr. Verner.

4352. *Chairman.*] Kane was one of the men at Mrs. Stephenson's?—He was.

[The Witness withdrew.

MARY JANE TURTLE was called in; and, having been Sworn, was Examined by Mr. *Clerk*, as follows:

4353. MARY JANE TURTLE; is your husband James Turtle?—He is. *M. J. Turtle.*

4354. Is he a voter for Lisburn?—He is.

4355. What is he?—A baker, at Lisburn.

4356. Now, for whom did he vote at the last election in February?—For Mr. Barbour.

4357. Did he vote in June?—Yes.

4358. For Richardson?—Yes.

4359. Now do you remember before the February election Mr. Verner called at your house about your husband's vote?—He did call.

4360. Who came with him when he came to ask about your husband's vote?—Mr. Beatty.

4361. Do you mean the tanner?—Yes.

4362. Did Mr. Verner call more than once?—Oh, yes, at different times.

4363. You say Mr. Verner called more than once?—Yes.

4364. And Mr. Beatty called with him on one occasion. Who called with him on any other occasion?—A gentlemen that came with him. His solicitor I think it was. That was the name he got.

4365. Did you see Mr. Beatty more than once at your house?—Well, he was there more than once.

4366. Was your husband at home when they called?—No, he was not.

4367. Where was he?—He was at his work sometimes.

4368. He does not work at home?—No.

4369. He is a journeyman baker then?—Yes.

4370. Was anything said, either by Mr. Vernon, or Mr. Beatty, to you about your husband's vote?—No, only that he would wish that I would support him.

4371. They wished that you would support them?—Yes.

4372. What did you say to them?—I said I could not promise.

4373. You could not promise?—No.

4374. Did you know at that time who your husband was going to support?—I did.

4375. Had he promised anyone at that time?—He had.

4376. Who?—Mr. Barbour.

4377. When Mr. Verner and Mr. Beatty called did you say anything about who your husband was going to support?—I did not say anything about it.

4378. You said nothing to them about it?—I said I could not say anything about it; it was left to himself.

4379. How many times do you think Mr. Verner called at your house?—I could not say that; I could not say exactly.

4380. About how often?—I could not say.

4381. Did he ever see your husband, I mean at your house; I suppose you were at home when they came. On any of these occasions did they see your husband?—No, they did not.

4382. Now, on the evening before the election, did anybody call at your house?—Yes, there did.

4383. Who came?—Moses Bullick.

4384. What is Moses Bullick?—He is a painter and glazier.

4385. Was that the gentleman who is a petitioner against Mr. Barbour's return?—Yes.

4386. When Moses Bullick came, did anyone come with him when he first came?—No, not anyone.

4387. What did Moses Bullick say when he called?—He came into the kitchen and sat down to the fire with me, and said, if I would get James to vote for Mr. Verner that he would give me 30*l.*; and I told him that James had promised, and I could do nothing with it.

4388. Where did your conversation take place Mrs. Turtle?—At the kitchen fire.

4389. Was Moses Bullick standing or sitting down?—Sitting.

4390. Sitting by the fire with you?—Yes.

4391. Had you any further conversation at that time about the votes?—No, not any more.

4392. What did he do?—He went out.

4393. Did he return the same evening?—He did.

4394. How soon after?—Well, some time afterwards.

4395. Some time afterwards the same evening; did any one come with him?—Mr. Young.

4396. What Mr. Young?—Sam Young.

4397. Mr. Sam Young came with him, and were you in the shop when they came?—I was, sir.

4398. Now had you to pass through the shop to go to the kitchen?—Yes.

4399. Now when Sam Young and Moses Bullick came on this evening what did they do when they came to the shop; where did they go?—Mr. Young went through first.

4400. Where to?—To the kitchen.

4401. Did Mr. Young say anything before he went into the kitchen?—Not anything at all.

4402. He walked straight through to the kitchen?—Yes.

4403. Did Bullick say anything to you as you were

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were in the shop?—He said he wanted to speak to me.

4404. Where did he go?—We both went into the kitchen.

4405. And he went into the kitchen with Young?—Yes, and they went with him.

4406. Did you go with him?—I did.

4407. Was it light or dark in the kitchen when Sam. Young went in?—It was late.

4408. *Chairman.*] Was it dark or light in the kitchen when Sam Young went in?—It was late.

4409. Was the gas lit?—It was.

4410. Mr. *Clerk.*] Did you take a light into the kitchen?—I lit a candle in the kitchen, and went into the kitchen.

4411. When you got into the kitchen, where was Sam. Young?—He was by the fireside.

4412. Was he sitting down?—He was sitting down.

4413. Now, when you got into the kitchen, did he say anything to you about your husband?—Is it Mr. Young?

4414. Yes?—No, he did not; he never spoke till he was going out.

4415. Did Moses Bullick say anything to you?—Yes, he did.

4416. What did Moses Bullick say?—He said he would rather that James had been for Mr. Verner.

4417. This was the day before the election?—Yes.

4418. The night before the election. Very well. He would rather that James should vote for Mr. Verner?—Yes.

4419. Did he ask you anything?—I told him he knew quite well he could not, for he was promised; and he said he could.

4420. What did he say then?—He said he would give me 30 *l.*, and the best new dress. Lisburn could afford.

4421. *Chairman.*] He said he would give you what?—£. 30.

4422. Mr. *Rodwell.*] And the best new dress Lisburn could afford; why was he to give you that?—If I would engage to get him to vote it would be laid down to me.

4423. *Chairman.*] "If I could get him to vote it would be laid down to me;" was that it?—Yes.

4424. Mr. *Clerk.*] What answer did you make to this offer?—I told him I could not take it, for I knew quite well he would not vote for Mr. Verner.

4425. Did he say anything more to you about what you could do?—Yes; he said I could go out on the morning of the poll, and put my hand and nip his arm, and say the word "Verner," and that he would know what that meant.

4426. What did you say to that?—I told him I would not take all Lisburn to do it.

4427. Now what passed then, Mrs. Turtle?—He just laughed, and went out.

4428. *Chairman.*] That is, Moses Bullick left the house?—Yes.

4429. Mr. *Clerk.*] And what did Sam Young do?—He got up and went out and said, "Good night."

4430. *Chairman.*] Moses Bullick left first, and Sam Young followed, and bade you "Good night"?—Yes.

4431. Was that all Young said to you, when in your house?—That was all.

4432. Mr. *Clerk.*] Was your husband being kept at Barbour's all this time, or did he come home at night?—He was down at Barbour's.

4433. He was absent from home?—Yes.

4434. Did you know where he was?—Yes.

4435. Where?—He was down at Barbour's.

4436. Had you said to any of the gentlemen who came to you, or they to you, where your husband was; did they know where he was?—I thought they knew where he was.

4437. Was anything said by any of them who called upon you which led you to that opinion?—No.

4438. Merely an idea of your own mind—very good; when did you see your husband next after this occurred?—After he had voted for Mr. Barbour.

4439. You did not see him till after he had voted?—No.

4440. Did you communicate to him anything that had passed between you and Moses Bullick?—Yes.

4441. As soon as he came home?—No; not just so soon as he came home.

4442. How long?—Two or three hours. There was a great stir in Lisburn; there was so much stir I did not take time to tell him.

4443. How long was he absent at Barbour's factory, Mrs. Turtle?—He was eight days.

4444. Did he get any clean clothes from you during the time?—He did.

4445. What money did he bring back to you afterwards?—Not any.

4446. None?—None.

4447. What! Lost all his business and got nothing? Come now, did you get it?—I did not.

4448. Do you want us to believe that he, a journeyman baker, was away eight days from business and got nothing?—He did not.

4449. You got nothing?—I did not.

4450. He stood true to the party, for he voted for Richardson next time?—He did.

4451. What did they lock him up for if he was a staunch man?—He was not locked up.

4452. Why did he stay from you and the family eight days in the factory, you know, if he was a staunch man?—The reason was there was parties on both sides about the house both night and day to take anyone they could get.

4453. So he was locked up at Mr. Barbour's for safety?—

Chairman.] The witness does not admit he was locked up.

4454. Mr. *Clerk.*] Then why did he stay. Because he was willing to stay? Were you down there?—I would want to go down.

4455. And send the clothes?—I did.

[The Witness withdrew.

JAMES ALLEN was called in; and, having been Sworn, was Examined by Mr. *Rodwell*, as follows:

J. Allen.

4456. YOUR name is James Allen?—Yes.

4457. Are you a shoemaker at Lisburn?—I carry on the business.

4458. Do you recollect the February election?—Yes.

4459. Do you know a man of the name of Arthur Gamble?—Yes.

4460. Do you recollect going one night shortly before the election and telling him you wanted him to see a pig?—No.

4461. Do

4461. Do you know Arthur Gamble?—I do.

4462. Did you see him shortly before the election?—No. Oh! yes, I have seen him. He lives in the town.

4463. Did you speak to him about the election?—No.

4464. Do you know of Stephenson's public-house?—I do.

4465. Were you there?—I was.

4466. What were you doing there?—Well, I was on business.

4467. On what business?—Seeing Mrs. Stephenson.

4468. On what business; your business as a shoemaker?—Yes, I keep a boot and shoe shop.

4469. And you went to see Mrs. Stephenson about your business. What were you doing for Mrs. Stephenson, taking her home a pair of boots, or measuring her for a pair?—To see what time I would have a pair ready.

4470. And this was shortly before the February election, was it?—I do not mind what time it was.

4471. Did you see Arthur Gamble at Mrs. Stephenson's?—I did.

4472. Where was he when you saw him?—Well, I saw him upstairs and down in the hall.

4473. Where did you see him when he was upstairs?—Indeed I could not say.

4474. What room?—I cannot mind.

4475. Yes you can?—I have seen him in different parts of the house.

4476. You saw him upstairs; was it in a bed room or in a sitting room?—I think it was a bed-room, but it is so long ago.

4477. What took you upstairs into the bed-room where Gamble was?—What took me up? I do not mind what took me up.

4478. How came you to go to the bed-room in Mrs. Stephenson's house; was Arthur Gamble there?—I cannot mind what took me up, it was a long time ago.

4479. That was upstairs; I will leave that. Where else did you see him?—I have seen him downstairs.

4480. Where?—In the hall.

4481. What was he doing when you saw him?—I could not say.

4482. What were you doing?—I could not say either; I do not mind.

4483. Do you mean you do not recollect?—I do not recollect.

4484. You went upstairs in the bed-room, and downstairs in the hall, and you saw him several times. Where else did you see him?—I saw him downstairs and saw him upstairs.

4485. You saw him in the room; you think a bed-room. How many times, now say?—I could not say.

4486. Ten times?—I could not say.

4487. Twenty times?—I could not say.

4488. Five times?—No, I did not.

4489. Four times?—No.

4490. Three?—I suppose I did.

4491. Now, what was he doing on these three occasions?—I do not recollect.

4492. Was anybody else there besides him when you saw him on these three occasions, or was it alone?—There was.

4493. What were the other people doing?—I cannot recollect.

4494. Be careful, Mr. Allen?—So I will.

4495. How many people were there?—I do not recollect.

4496. Ten?—I cannot mind.

4497. Were they Lisburn people?—I think they were.

4498. Give their names; some of them?—The names?

4499. Yes?—I do not recollect seeing anyone there that I had seen, except a man of the name of James Sparke.

4450. What was he doing?—I cannot mind, indeed.

4501. How many more besides James Sparkes; we have only two, Gamble and Sparkes. Was a man of the name of Munce there?—Yes.

4501.* What was his Christian name?—Robert Munce.

4502. Can you give me any more names of people who were there?—I cannot.

4503. What was Munce doing?—Doing nothing that I saw.

4504. It was upstairs?—I could not bring to mind.

4505. You cannot recollect?—I cannot.

4506. Do you know Mrs. Stephenson well?—I am a neighbour.

4507. Did you not go upstairs?—No.

4508. What took you upstairs on these three occasions?—It is so long ago.

4509. That won't do; now, Mr. Allen what took you up just before the election on three occasions into Mrs. Stephenson's rooms upstairs? Answer that question.—I cannot mind.

4510. I will see if I can. Who told you to go up. Were you told to go up?—No.

4511. What took you there upon any one of the three occasions; we will begin with that; what took you there?—I went up to see my brother-in-law, Robert Munce.

4512. Did you go up on all three occasions to see your brother-in-law?—I did.

4513. What business was it?—I do not recollect.

4514. You do not recollect?—No.

4515. Where does Munce live when he is at home?—Well, some call it the Shambles, and some Market-lane; I cannot say.

4516. Do you know what took him to Mrs. Stephenson's now?—I do not know his business.

4517. And you went three times to Mrs. Stephenson's in the room upstairs to see him on business; is that what you mean to swear?—I do not know what.

4518. Let me caution you in the answers you give me; be careful. And do you mean to swear you went to Mrs. Stephenson's three times in the room upstairs to see Munce on business?—Well, he went there to keep out of the road of the other parties, I think. Robert Munce went to Mrs. Stephenson's to keep out of the road of other parties.

4518.* Was it upon election business you went to Mrs. Stephenson's? (*The Witness did not answer.*)

4519. *Chairman.*] The learned counsel asks you on what business you went into the upper room in Mrs. Stephenson's on three occasions to see your brother-in-law Munce?—On no business at all, only to see him.

4520. To see if he was alive; merely to see him?—Merely to see Munce.

4521. Upon no business?—Upon no business.

4522. Mr. *Rodwell.*] Did you not go to see him on election business?—I did not; I never had anything to do with the election.

4523. Do not let me mistake, and if I do, you

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set me right. I ask again on what business did you go to see Munce?—I cannot recollect.

4524. Had you any business with Munce about that time?—None whatever.

4525. None whatever; and you went to see Munce from mere curosity, was that it; now, Mr. Allen, did you not go to Munce upon election business (you know what I mean); upon your oath, did you not go to Munce upon election business, and for no other purpose?—I cannot mind.

4526. Did you take a part in the election yourself?—No.

4527. Did you canvass no voter?—No.

4528. Speak to no voter about votes?—No, only one.

4529. Who was that?—Arthur Gamble.

4530. You saw Arthur Gamble at Mrs. Stephenson's?—Yes.

4531. Did you speak about his vote there?—No.

4532. Where was it?—His own house.

4533. *Chairman.*] When?—I do not recollect.

4534. Mr. *Rodwell.*] How long was it before the election?—I do not recollect.

4535. Did you speak to Arthur Gamble about the election?—I asked him to go down to Mrs. Stephenson's.

4536. What for?—To be out of the road to vote for Mr. Verner.

4537. What time of the day was it that you went there?—I think it was about ten o'clock at night.

4538. Who was at home when you went to Arthur Gamble's?—At my own house?

4539. You went to Arthur Gamble's house about 10 o'clock at night?—I saw his wife.

4540. How long were you there?—I do not think I was a minute there.

4541. What did you say to Arthur Gamble?—I told him that I asked him.

4542. What did you say to him; what did you ask him?—It was so long ago I cannot bring to mind.

4543. Your memory is very good, Mr. Allen?—I cannot bring to mind, it is so long ago.

4544. Now, then, tell us what it was?—I think I asked him to go down to Mrs. Stephenson's, or Mr. Stephenson's, to be out of the road to vote for Mr. Verner.

4545. What did he say?—He said he would.

4546. Did he go with you?—Not with me.

4547. Not with you?—He went down by himself.

4548. Was anything said about a pig?—No.

4549. Not at all?—Nothing.

4550. But Mrs. Gamble, was she present when you spoke to him?—No.

4551. When was it you saw his wife; had you any conversation with his wife?—Nothing; I only asked if he was in.

4552. Was he in?—He was.

4553. Did you say anything to Arthur Gamble in his wife's presence?—Nothing.

4554. How came you to go to Arthur Gamble to ask him to go to Stephenson's?—To support Mr. Verner.

4555. Now, how did you come to know that Verner's friends, or voters of Verner, had gone to Stephenson's?—I do not mind.

4556. How came you to go to Gamble's to tell him to go to Stephenson's to vote for Verner?—I heard Mr. Verner was coming on Monday.

4557. Who told you?—I do not mind.

4558. What had Mr. Verner's coming on Monday to do with the voters going to Stephenson's?—To have him there.

4559. On the Saturday?—Yes.

4560. Was he to stop there; do you mean that Gamble, who is living at Lisburn, was to go and stop at Stephenson's until Monday, the day Mr. Verner came; is that what you mean; what do you mean?—It was so long ago I cannot bring anything to mind about it.

4561. Had you any information from any one that Mr. Verner's voters were to go to Stephenson's inn?—I had.

4562. From whom?—I cannot mind.

4563. How long had you that information before you went to Gamble to ask him to come?—It was on a Saturday night, and with my business so thronged on Saturday night I cannot mind.

4564. Tell me when you first heard that Mr. Verner's voters were to go to Stephenson's?—I cannot recollect.

4565. Did you tell Gamble there was a room at Stephenson's?—No.

4566. What did you tell him?—I told him nothing about it; but asked him to go down to Stephenson's to stop there.

4567. Until the Monday?—I do not know if Monday was mentioned.

4568. At whose expense was he to stop?—I do not know.

4569. You do not know?—I do not.

4570. You do not know at whose expense; how far is Gamble's house from where Stephenson lives?—I do not know that I can say.

4571. About five minutes' walk?—No.

4572. Ten?—I can go down to Mr. Stephenson's house from Gamble's house in five minutes—in one minute.

4573. Did you think it strange to take him from his house to stay Saturday, Sunday, and Monday nights?—I did not take him there.

4574. But you asked him to go?—I did.

4575. Who sent you to ask him?—None that I can mind.

4576. Did you go out of your own head and tell Gamble to come?—I was told, but I cannot mind by whom.

4577. Can you tell me where you were told, and when you were told?—It was in Newman's shop.

4578. When?—I cannot tell.

4579. How long was it before you went down to Gamble's?—I cannot say.

4580. Was it the same day or the day before, or when?—I think, to the best of my recollection, it was the same day.

4581. What makes you think so; recollect who was in your shop that day, and see if you cannot recollect who told you?—I could not recollect.

4582. You cannot recollect who told you?—No.

4583. Did you hear it was more than one?—I could not tell.

4584. But it was in your own shop?—It was in my own shop.

4585. On the same day in the evening of which you went to Gamble?—Yes.

4586. And yet you cannot tell me who it was?—I cannot.

4587. Is Saturday afternoon a busy afternoon?—It was on the pay day.

4588. Still that does not help you to recollect who it was?—It was very thronged.

4589. What

4589. What time was your business over?—In Lisburn it generally lasts till 12 o'clock.

4590. You are busy till 12 o'clock on Saturdays; I think it was 10 when you went to Gamble?—Yes; but it was on Saturday.

4591. And you left your shop when you were busy to go to Gamble's?—I was slack.

4592. Is Saturday a busy day for shoemakers in Lisburn?

Chairman.] The witness said at one time that the shop was thronged, and at another time that it was slack.

4593. Mr. *Rodwell.*] What was it on this Saturday evening; can you answer the question?—What is it?

4594. Can you answer?—I do not recollect what you said.

4595. Was this night you went to Gamble's a slack night or a busy night?—I have been busier many times than I was that time.

4596. It was not in a busy night?—Some nights we are thronged, but not others.

4597. But was this a busy night or a slack night; it is the pay night in the factory, is it not, when the people come and do the shopping?—Yes.

4598. Is not Saturday the busiest day in the week, and is not Saturday evening the busiest time of the day?—In Lisburn.

4599. They are paid, I believe, every fortnight at the factory?—They are.

4600. And this happened to be a paynight; you have said so just now?—It was.

4601. How came you to leave your shop on a busy night to go and tell Gamble to go to Stephenson's?—I was not many minutes doing it.

4602. What sudden impulse took you to Gamble's?—I was told by some one, but I cannot mind who it was.

4603. How long; the moment you went, or sometime before?—It was sometime in the day.

4604. Why did you put it off so late as 10 at night to go?—I cannot say.

4605. When you were at Stephenson's house, you saw Gamble, you said, three times upstairs; now, how long was it, upon the Sunday or the Monday, did you see him?—On Saturday night.

4606. You saw him since then; you did not go down with him there?—No.

4607. How long after he had got there did you go down?—I went down as soon as I closed my shop.

4608. When you went back from Gamble's, was your shop full of people?—No.

4609. You closed your shop and went down?—Yes.

4610. What did you go down for?—To see Robert Munce.

4611. Did you not go to see Mrs. Stephenson on business?—Yes.

4612. On business?—Yes, on business.

4613. What time; at night?—Indeed, I cannot mind what time of the night it was.

4614. You went down after you had closed your shop to see Mr. Stephenson on business?—No; to see Robert Munce.

4615. But you told me what took you to see Mrs. Stephenson was seeing her about some boots?—I was there before them.

4616. What was your business that you went to see Munce about, that took you at 12 o'clock at night to Stephenson's; was it about the election?—I do not mind.

4617. Was it not about the election and Verner's votes?—I am sure it was, but I cannot mind what the business was.

4618. Did you take any part in the election?—None whatever.

4619. Then how came you to go down to Stephenson's on this occasion to see Munce upon it?—Only that one.

4620. Only that what?—Only that one vote.

4621. Only Arthur Gamble's vote?—That was all I had to do.

4622. You did not canvass any other voters?—No.

4623. Why were you interested so particularly in Gamble's vote?—Only I knew him.

4624. Well, you know many people in Lisburn, why were you particularly anxious about Gamble's vote; did anyone tell you to ask Gamble for his vote?—Robert Munce; he is a neighbour.

4625. Did Robert Munce tell you to ask Gamble about his vote?—Yes.

4626. That was the only person?—The only person.

4627. When did Munce ask you to see Gamble about his vote? answer that question. Now then, Mr. Allen?—What time Robert Munce asked me.

4628. That was what I asked you about a minute ago?—I cannot mind telling an hour or two hours.

4629. I will take it within a day; I will not trouble you for an hour. Now Mr. Allen?—I think it was on that night.

4630. Does your recollection begin to revive; did you ever see Gamble about his vote before you went to Stephenson's?—No.

4631. And it was all done in a minute?—I had nothing to do, but to go and ask.

4632. You did ask him for his vote?—I asked him to go to Stephenson's.

4633. Was it by Munce's order you did so?—It was.

4634. You recollect that now?—I do, quite well.

4635. Was it not upon election business you went to see Munce three times at Mrs. Stephenson's?—Well, I was down at Mrs. Stephenson's.

4636. Was it on election business you went to Munce three times at Mrs. Stephenson's?—That I cannot say.

4637. Was it on any other than election business you saw Munce at Stephenson's?—I was down at Stephenson's.

4638. Was it on any other object than election purposes you went to Mrs. Stephenson's to see Munce. Are you going to answer the question?—I was down with Mrs. Stephenson.

4639. That is no answer. Was it upon election business you went three times to see Munce?—I had nothing to do with elections at all.

4640. We will see about that; I am coming to that presently. Tell me again, was it on election business, or with reference to voters you went to Munce at Mrs. Stephensons?—No. The votes I got was at Mrs. Stephenson's.

4641. Who was that?—Arthur Gamble.

4642. What did you want to see Munce at Mrs. Stephenson's for?—I cannot mind.

Chairman.] I am desired by the Committee to caution you to answer the questions put to you directly and frankly, and to the best of your knowledge and belief: for I can tell you, if you do not, you will find the Committee will have to take a further and immediate notice of it.

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4643. Mr. *Rodwell.*] Will you tell me whether you went to Munce's on these three occasions for election purposes or business?—I cannot mind.

4644. You forget?—I cannot mind.

4645. When you were at Stephenson's, you say you saw Munce, and you saw Gamble; what other persons did you see?—James Sparks.

4646. Who else?—I do not mind of any others.

4647. Do you mean that you did not see any others, whose names you know?—None others that I can mind of.

4648. Do you know a man of the name of Hugh Kane?—Hugh Kane?

4649. Hugh Kane?—I do.

4650. Did you see him there?—Not that I mind of.

4651. You do not recollect seeing him?—I do not.

4652. How many, now, did you see the first time you went to Stephenson's, besides Gamble and Sparks and Munce?—None that I can mind of only them three.

4653. What were they doing; were they together?—They were all sitting in the room amusing themselves.

4654. Up-stairs?—Up-stairs.

4655. Was that a bedroom?—I think there was a bed in it.

4656. Who went up with you?—With me?

4657. Who went up with you?—No one at that time.

4658. How did you find your way into the room?—Mrs. Stephenson's room?

4659. No; the room where the three men were?—I am well acquainted with Mrs. Stephenson's house.

4660. You saw there three men in an up-stairs room, you think, with a bed?—Yes.

4661. Who showed you up, or how did you know the three men were there?—I knew the one was near.

4662. Who did you know was there?—I asked Gamble to come down.

4663. But how did you know what room Gamble was in?—I was showed by some one.

4664. Who?—I could not say.

4665. When you went to Stephenson's, did you ask to be shown into the room where Gamble was?—Indeed, I cannot mind that.

4666. Did you ask to be shown into the room where Munce was?—Indeed, I did not.

4667. What room did you ask to be shown into?—I do not know of any one.

4668. What took you there?—I went to see Arthur Gamble.

4669. But how did you know Gamble and Munce were in that room?—I had better be showed the room, but I do not recollect asking the one, and do not mind anyone showing me.

4670. This was on the Saturday night?—Yes.

4671. On the Sunday, did you go there?—On Sunday?

4672. On Sunday?—I do not mind being there on the Sunday.

4673. Did you or did you not go there on the Sunday?—Indeed I do not recollect.

4674. Will you swear you do not recollect going there on the Sunday?—I do.

4675. When did you next go, after the Saturday; you went once on the Saturday; when did you go on the other two occasions you spoke of?—If I had seen them on Sunday I might.

4676. You swore this moment you had not seen them?—I cannot recollect.

4677. Just correct yourself; do not let me entrap you. Did you or did you not see him on the Sunday, or do you mean you might or might not?—I might have seen him, but I cannot bring it to memory.

4678. Did you see Munce on the Sunday?—I cannot recollect.

4679. Do you recollect where you were on the Sunday?—At my place of worship.

4680. All day?—Morning and evening.

4681. Between the morning and evening, did you go to Stephenson's?—I do not recollect.

4682. Did you go there on the Monday?—I was there on Monday.

4683. What time on Monday did you go there?—I think I was there on Monday morning.

4684. What time?—In the morning.

4685. Morning; was it before breakfast?—It is so long ago I cannot remember.

4686. How often a year do you go to Stephenson's; are you constantly there?—Oh no; I do not frequent any house, but I had business there.

4687. Did you often go to Mrs. Stephenson's?—Well, I have been in it often; they keep a spirit shop.

4688. It is not often you go up-stairs, I think you said?—I have been up-stairs.

4689. On this Monday, can you tell me what time you went there?—Indeed, I cannot tell you what time of the day.

4690. Who did you see when you got there then?—On Monday I do not recollect seeing anyone but them three.

4691. Do you know James Lavock?—I do.

4692. Did you see him there?—I do not mind seeing him.

4693. Charles Gribbin, do you recollect seeing him?—Charles Gribbin? I think Charley Gribbin was there.

4694. Was William Macdonald?—I do not mind if William Macdonald was there or not.

4695. John Aikin there?—John Aikin?

4696. Yes?—No; indeed it is so long ago, I cannot remember. I cannot bring to memory if he was there.

4697. Where was Gribbin when you saw him?—I cannot say.

4698. What part of the house?—I cannot say what part of the house.

4699. What did you go there for on the Monday?—I went down for to see them.

4700. On election business?—I went on no business.

4701. Did you see Gamble on that occasion?—I have seen him.

4702. Did you go there to see Gamble?—No.

4703. Did you go to see Munce?—I had no particular business to go to see any one.

4704. What did you go for? What took you on the morning of Monday up stairs in Mrs. Stephenson's house?—I cannot tell you what took me there. I do not recollect it.

4705. You went there again, that Monday, did you not, later in the day?—I do not mind whether I did.

4706. Did you see Munce and Gamble there again? You told us twice, and you said three times?—Yes.

4707. You did see them three times?—I could not say whether I did three times or not.

4708. Were they sitting in the room the same as on Saturday night?—They were sitting enjoying themselves.

4709. Any whiskey or food?—I think there was.

4710. Did you take some refreshment yourself there?

there? Had you not a glass of whiskey yourself?—No, sir.

4711. What had you?—A bottle of porter.

4712. Did you pay for it?—I did.

4713. To whom?—To Mrs. Stephenson.

4714. As you went out?—I could not say whether it was when I was going out, or when it was brought.

4715. Who brought it?—A waiter.

4716. Were many people in the room then?—Indeed, I cannot mind.

4717. How long did you stop there?—I cannot say.

4718. Did you stop an hour or half an hour?—I cannot say.

4719. Can you tell whether it was half an hour or five minutes?—I cannot bring my memory to any such thing.

4720. Cannot you bring your memory to whether it was an hour or half an hour?—I cannot.

4721. What did you do besides drinking the bottle of porter?—Nothing that I know of.

4722. Were you not talking?—I do not know anything I was doing.

4723. But did you stop all that period without talking or doing anything but drinking that porter?—Nothing at all, that I can safely say.

4724. Did you speak to Gamble?—I might.

4725. Did you speak to Munce?—I could not say.

4726. But you went to see Munce?—I went to see him.

4727. It was a strange thing to go to see a man and not speak to him? Did you go to look at him merely?—I spoke to him.

4728. Did you go on the afternoon of Monday after dinner?—I cannot mind.

4729. You have forgotten?—I cannot mind.

4730. Did you go in the evening?—I cannot recollect.

4731. Do you recollect some people going away from Stephenson's Hotel in cars?—I do.

4732. Were you there then?—I was.

4733. And you lived next door?—Almost next door.

4734. Do you recollect their going?—I do not.

4735. Do you recollect who went?—I do not.

4736. Only the cars at the door?—Only the cars at the door.

4737. Did you see Gamble go?—No.

4738. Nor Munce?—No; I saw the cars come up.

4739. Where were you then?—In the street.

4740. And did you not have the curiosity to make any inquiry?—I had not, because I thought they were all going away.

4741. Who going away?—I do not know of any.

4742. Where were they going?—I do not know.

4743. How do you know they were going away?—I saw them going away.

4744. Had you no curiosity to know who were going away, and why?—I had at the time. I heard of the names of the parties who went away.

4745. Who were they?—I cannot mind.

4746. Have you forgot?—I cannot mind.

4747. Were they Lisburn voters that were sent away?—I think they were; I cannot say they were.

4748. How many were there?—Indeed I cannot say.

4749. You do not know how many there were; how many cars were there?—I could not say.

4750. When you went to Gamble, on the Saturday night, did you tell him he would have to go anywhere; did you tell him he would have to go to Belfast?—No.

4751. Did you tell him he would have to go anywhere until the time of the election?—No.

4752. What did you tell him?—I had no words; I asked him to go down to Mrs. Stephenson's, and he went down.

4753. But you did not ask him merely to go to Mrs. Stephenson's; what else?—That is all the conversation I had with him.

4754. That all you asked him was to go to Mrs. Stephenson; was there anything said about his remaining there?—Not a ha'porth.

4755. What was he to go to Stephenson's for?—To be there to vote for Verner.

4756. To be there; how did you know he was to go to Stephenson's to vote for Verner?—I was to tell him.

4757. You say that there were three cars; were there 20 or 30 people?—I could not say.

4758. Do you know Mrs. Gamble?—I do.

4759. Did you see her about election business?—No, sir.

4760. Did you lend Mrs. Gamble any money about this time?—About what time?

4761. The time of the election?—I did.

4762. How much?—A pound.

4763. Have you had it repaid to you?—I have not.

4764. When was it that you lent Mrs. Gamble this one pound?—I think it was about three days before the election, before the poll.

4765. Do you know where Arthur Gamble, her husband, was at that time?—I do not.

4766. How came you to lend Mrs. Gamble this sovereign?—Indeed I could not tell you.

4767. Did you ever lend Mrs. Gamble a sovereign before?—Never.

4768. Was it mere charity?—Well, I called and gave her a pound.

4769. You called and gave her a pound?—Yes, in return for her husband's voting for Verner.

4670. How came you to go to Mrs. Gamble and give her one pound for her husband's vote?—I thought she was very ill off.

4771. That was the reason?—Yes.

4772. Did you tell Arthur Gamble you were going to give her a pound?—I never mentioned it to him.

4773. Did she know before you gave it that you were going to give it?—No.

4774. Was that out of your own pocket?—Yes.

4775. Did you mention it to anybody?—Indeed I cannot mind.

4776. Tell us who you told?—Indeed, sir, I cannot mind.

4777. Have you forgotten that?—I do not mind who I told it to.

4778. Did you tell anybody before you gave it that you were going to give it to her?—No.

4779. You kept the matter all to yourself?—All to myself.

4780. Where did you give it?—In her shop.

4781. Did you tell her what it was for; did you say anything about her health when you gave it her?—No.

4782. You did not put it down without a word?—I just called and gave her a one pound note.

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4783. Did she say anything?—She thanked me.

4784. What did you say?—I said nothing.

4785. Did you say, here is a one pound note, Mrs. Gamble?—I think that was the words,

4786. That was for her husband's vote?—It was not.

4787. What for?—On account of going away.

4788. But I thought you told me just now you gave the pound for her husband's vote; three days before the election you gave her 20 shillings for her husband's vote at the election. Do you mean the vote, or the promise for a vote?—Arthur Gamble knew nothing about it.

4789. That is no answer to my question?—I beg your pardon——

4790. Did you give the pound for the promise of a vote to Mr. Richardson?—It was.

4791. And you told me, I think, half an hour ago, you took no part in the election except about Gamble?—That was the only one.

4792. You mean you did not bribe anybody but Mrs. Gamble?—I never bribed her at all.

4793. Did you give any money to any other voters?—No one.

4794. Did you receive any money from anybody?—Never.

4795. Not anything for expenses?—Never.

4796. But I do not mean as a bribe?—I never received money in my life.

4797. Did you ever speak to James Sparkes about any?—Never.

4798. Did you give any money to him on any occasion?—None.

4799. Or promised him?—No.

4800. Nor had any conversation about money?—No.

4801. Do I understand that you gave the money—the 20 *s.*—out of your own pocket, without speaking to anybody either before you gave it or afterwards?—I did.

4802. That you swear?—I do.

4803. Do you know Redmond Jefferson?—I do.

4804. Did you see him at all during the election?—I did.

4805. Did you have any conversation with him about voting?—None at all.

4806. Had you no conversation with anybody about the election or voting except Gamble?—Not one.

4807. Who did you vote for?—Verner.

4808. To whom did you promise your vote? Who canvassed you?—No one canvassed me, only Mr. Barbour.

4809. Do you know the Hertford Arms?—Yes, I do.

4810. Were you ever there during the election—the February election?—I was backwards and forwards.

4811. What were you doing there?—Why, to tell you the truth, I was doing nothing myself, the fortnight. I was not working, myself, for a fortnight. The town was in a very excited state.

4812. What were you doing backwards and forwards at the Hertford Arms?—Nothing at all.

4813. You did not go there to do nothing?—I had a pint of beer occasionally.

4814. Did you go into any rooms at the Hertford Arms?—I did.

4815. Was any election business going on?—I never saw any.

4816. Did you see no election rooms or committee rooms at the Hertford Arms?—I did not.

4817. Did you not see Gamble there?—I did not.

4818. Did you go to the Hertford Arms the day of the election?—I was in and out.

4819. What were you doing in and out of the Hertford Arms?—Indeed, I could not tell you. The day of the polling I was not, that I mind of.

4820. You cannot recollect what you were doing?—I cannot recollect what I was doing.

4821. How many times did you go backwards and forwards from the polling place to the Hertford Arms? Three or four times?—I do not mind.

4822. Do you mean to say you did not?—(*No answer.*)

4823. *Chairman.*] What is your answer?—I do not recollect what I was doing. I had nothing to do.

4824. Mr. *Rodwell.*] Did you go to the meeting on 12th of February?—To a meeting?

4825. A meeting of electors at the Hertford Arms?—On the 12th of February.

4826. At Mr. Adam Maclure's?—I was.

4827. Did you receive a circular?—Well, I think I did.

4828. Just see if that is a copy of it (*handing a paper to the Witness*). Have you got one with you?—I have not got a copy.

4829. Do you recollect receiving one like this?—I think I did.

4830. Did you not hand that copy of this paper like this, before you were admitted into the room at Mr. Maclure's, and were you not told to bring it with you, and it was your ticket of admission?—Not that I mind.

4831. How did you get into Maclure's?—How did I get in?

4832. Yes. My friend suggests the door; but was there not some one at the door to see who came in?—Not that I recollect.

4833. You have looked at this, and can read and write, of course. Is that a copy, or similar to what you received?—I think it is. I have seen something like this.

Mr. *O'Malley* objected to the production of the paper, there being no proof of its authenticity.

Mr. *Rodwell* said it at all events proved its own existence.

Mr. *O'Malley* replied that that did not make it evidence.

4834. Mr. *Rodwell.*] From whom did you receive the paper you got like this?—Indeed I cannot say.

4835. You do not recollect?—I do not.

4836. At the meeting you got to at Maclure's who were there?—I could not tell you who were there. It is so long ago.

4837. Who was in the chair?—I suppose it says in the bill, who was in the chair.

4838. Yes, but what is said in the bill may be wrong. Who was in the chair?—Indeed I cannot mind.

4839. Was Mr. Verner there, in the chair? Not in the chair, but in the room?—He was.

4840. Did he speak?—I think so.

4841. There were several speeches?—I think there were.

4842. Who spoke besides Mr. Verner?—I cannot mind who it was that spoke; some one spoke, but I cannot mind who.

4843. Was

4843. Was not Glenmore in the chair?—Well, I cannot say whether he was or not.

4844. Was he at the meeting?—I cannot recollect.

4845. Was Mr. Beatty at the meeting?—I do not mind who was there.

4846. Don't you recollect a single individual by name who was present on that occasion except Mr. Verner the candidate?—The room was crowded. I could not tell who was in it.

4847. Were there a good many people you knew?—If I had a good memory, I might bring it to recollection, but I cannot.

4848. Do try and recollect. Did you see Sam Young there?—Well, I think he was there.

4849. Have you any doubt about it? Do you recollect his speaking?—I do not mind it.

4850. Was William Graham there?—Well, I could not tell who was there or who was not there, really.

4851. Do you recollect Redmond Jefferson?—I do not.

4852. Was Thomas Pelan there?—Indeed, I could not say who was there, or who was not there.

4853. How long were you there?—I could not tell you that.

4854. Ten minutes, or an hour, or two hours, or three?—Indeed, I could not tell you how long I was there.

4855. Cannot you tell whether it was an hour or two hours? What time of the day was it?—I do not know what time it was.

4856. Or how long you stopped there?—Or how long I stopped there.

4857. Did you attend any other meetings besides this?—I do not mind of any.

4858. Try and recollect. Did you attend smaller meetings where there were only a few friends?—Nothing that I know of.

4859. Will you pledge yourself you did not?—I do not mind being at any meetings at all.

4860. Will you take that in your hand again and tell me now if you have received a notice similar to this?—I could not say whether it was exactly the same.

4861. What did you do with your notice; the circular you received;—I might have lit my pipe with it.

4862. What was in it, then, if you destroyed it?—I could not say really.

4863. Where is it; the circular you received?—I could not tell.

4864. Is it destroyed?—I could not tell you a ha'porth about it.

4865. Do you know where it is? Is it lost?—Indeed, I am sure it is.

4866. I thought you said you lit your pipe with it?—I might have done.

4867. That being the case, and the paper being destroyed; what was in it?——

Mr. *O'Malley* objected to the question, which was then withdrawn.

4868. Mr. *Rodwell.*] Now you have told us you were in and out of the "Hertford Arms" on the polling day; who did you see there when you came back, and who did you speak to about the election?—I cannot mind.

4869. The town was very excited, was it not; and this contest created a great deal of talk in the town. You cannot tell me who you saw at the "Hertford Arms" when you came back from the polling?—What day do you mean?

4870. The polling day, that they voted; did not you go to the "Hertford Arms"?—Not that I mind of.

4871. What time of the day did you poll?—I don't mind; I went to my wife and family straight home after the polling. I do not think I was outside of my house that day, after.

4872. And you were not canvassed for your vote by anybody?—Only by Mr. Barbour and Mr. Bateson.

4873. Do you know a house kept by Mr. Bannister?—I do.

4874. What is it; a beerhouse?—A spirit house.

4875. Were you there on the day of the poll?—I was.

4876. Before or after?—Before.

4877. What time did you go there?—I was there all night.

4878. Is that what you say?—I was.

4879. What time did you go on the previous night to Bannister's?—Well, it was after I had done my business and closed my shop.

4880. What did you go there for?—To stop there.

4881. All night?—Yes.

4882. Who did you speak with?—I could not tell.

4883. There are limits, Mr. Allen, to one's belief; did you stay there alone?—I did not.

4884. Were there ladies and gentlemen there?—There were no ladies.

4885. Then there must have been gentlemen. Who were they?—I do not mind who.

4886. How came you to go; what took you there?—To be convenient to the poll.

4887. Who asked you to go?—No one, that I mind of.

4888. Did instinct take you there, or why did you go to Bannister's more than any other place, to be convenient to the polling?—I could not say.

4889. Which is the nearest to the polling place, your house or Bannister's?—Bannister's.

4890. How much?—A great deal; it is just on the opposite of where the polling place is.

4891. *Chairman.*] But how much, the learned counsel asks you?——

4892. Mr. *Rodwell.*] How long does it take you to go from your own house to Bannister's?—I cannot say.

4893. A couple of minutes?—I cannot mind.

4894. A minute?—Not much longer.

4895. And the polling place is opposite Bannister's?—Yes.

4896. And it would not take more that a minute to go from his house to the polling-place; who told you to go to Bannister's?—No one that I can mind of.

4897. Did you go to Bannister's without being told; do you forget?—I do not mind of anyone telling me.

4898. When did you make up your mind to go to Bannister's?—I cannot say.

4899. Did not some one come to your shop and ask you to go to Bannister's?—I cannot say.

4900. Will you swear to that?—I will swear to that.

4901. Did you go alone to Bannister's?—I did.

4902. At what time; at night?—After I had done my business.

4903. What time is your business done on Monday night?—I closed my shop at nine o'clock.

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4904. And after nine o'clock you went to Bannister's?—It was later than that.

4905. What time was it then?—I could not say.

4906. Had you gone to bed?—Gone to bed?

4907. Had you gone to bed and got up again?—No, I had not.

4908. It was before you went to bed?—It was.

4909. I thought you had done no business that fortnight before the election, the town was so excited?—I have a shop.

4910. You said you were not working for a fortnight?—I say there was no business done for three weeks.

4911. After you had shut your shop you went to Bannister's; where did you go when you got there?—Where did I go to in Bannister's?

4912. Exactly?—Up-stairs.

4913. What; into a bedroom?—No.

4914. I thought at night you might have gone to sleep; was it the sitting-room?—A large sitting-room.

4915. Were there many people there?—A good lot.

4916. What were they doing?—They were sitting enjoying themselves.

4917. How many?—Indeed, I cannot say how many.

4918. Were there 50?—I could not say.

4919. Were there 40; now do not keep us waiting?—Indeed, I could not say.

4920. *Chairman.*] What size room was it; how many windows were there in it?—Two windows; I think there was two.

4921. Mr. *Rodwell.*] Were there 20, 30, or 40 people in the room?—I cannot say to the number.

4922. Were there more than 10?—More than 10.

4923. More than 20?—I could not say.

4924. You will not undertake to say more than 20?—I cannot.

4925. Was there another room in the garret?—Not that I know of.

4926. Who did you see in the room where the people were?—I cannot say.

4927. Were they strangers to you?—I cannot mind.

4928. Were they strangers?—It is so long ago I cannot mind.

4929. Were they strangers to you?—I cannot bring my memory at all.

4930. Cannot you name to me one person who was in the room. Now, cannot you give the name of one person who you saw there?—I could not.

4931. Do you know whether they were voters?—I think they were voters.

4932. Have you any doubt about it?—I have no doubt. I am sure they were voters, but I do not know who they were.

4933. But yet you know they were voters?—Yes.

4934. Were they Lisburn men; your neighbours; they were men living in Lisburn?—Yes, they were.

4935. And you knew them to be voters?—The house was crowded, and I could not tell who was in it.

4936. The house was filled, and you could not mind?—It was so long ago.

[The Witness withdrew.

[Adjourned to To-morrow, at Eleven o'clock.

Mercurii, 16° *die Martii*, 1864.

HUGH ADAIR, Esq., Chairman.

The Names of the Members were called over:—All present.

James Allen recalled; further Examined by Mr. *Rodwell*.

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4937. We got last night to where you went to Bannister's, on the night before the election, and I was asking you whether you could tell me the names of the people who where there, and you said you could not tell the names; did you believe they were Lisburn electors?—

Chairman.] The Witness said they were more than 10, he thought; they were voters, and they were Lisburn men.

4938. Mr. *Rodwell.*] You are sure they were voters?—Well, I could not say.

4939. How long did you stop there at Bannister's?—I was there all night.

4940. What time did you go?—I went after I had done my business.

4941. What time did you go?—I could not exactly say what time I would go.

4942. Say nine o'clock?—It was later than that.

4943. Ten o'clock?—It might be ten, or it might be eleven.

4944. Perhaps you have been thinking of it since yesterday?—I have not.

4945. Can you tell me what took you to Bannister's?—For to be there.

4946. To be there for polling?—For polling.

4947. Did any human being tell you or ask you to go to Bannister's?—I cannot mind.

4948. When you got in there, do you recollect who you first saw?—I do not.

4949. You say you stopped there all night; did you stop in one room?—In one room.

4950. What were you doing all night?—Sitting amusing myself.

4951. In what way were you amusing yourselves?—We had just had a half of punch, occasionally.

4952. You were about 20 people altogether?—We were.

Mr. *Cooke.*] I have not heard him say 20 people.

4953. Mr. *Rodwell.*] He said more than 10; I put it so for shortness. You say you were drinking punch; who paid for it?—I could not say.

4954. Who ordered it?—I could not say.

4955. Who asked you to drink it?—I could not say.

4956. Were you drinking all night?—No, I am not given to drink.

4957. Did you not drink punch yourself?—Yes, for refreshment; I am not given to whisky drinking.

4958. Did you smoke that night?—Yes; I smoke occasionally.

4959. Did you smoke that night?—I am sure I did.

4960. Where did you get your pipe from?—I could not say where I got my pipe.

4961. Were there pipes and tobacco on the table in the room?—Not that I saw.

4962. Who gave you the pipe and who gave you the tobacco?—I bought my pipe and tobacco myself.

4963. Did you bring it in with you?—I am sure I did.

4964. Were there people coming in and out of that room all night?—Well, for that I could not say.

4965. Do you mean to say you cannot tell me whether there were people coming in or out, or whether you were all shut up, and remained there during the night?—Indeed, I could not say.

4966. Whether there were people coming in and out you could not say?—I could not.

4967. Do you recollect seeing anybody who came in and did not remain there?—I do not.

4968. You will not swear that people did not come in and out?—I will not. The people that were in the room, I think, remained there; I could not say anything further than that.

4969. Where did you breakfast that morning?—I think I breakfasted at home.

4970. Do you recollect whether you breakfasted before you polled, or not?—

Chairman.] You mean the following morning?

Mr. *Rodwell.*] Yes.

I breakfasted at home.

4971. Was that before or after polling?—After polling.

4972. At what time did you go to the poll?—I think it was about nine o'clock; between eight and nine.

4973. Did you go to the poll alone or with anybody?—I went alone.

4974. Did you go to the tally-room anywhere?—No.

4975. Did you go into Bannister's again in the course of the day?—No.

4976. Were there any other rooms at Bannister's filled with people, or with people up all night, except the room in which you were?—Not one that I saw.

4977. You never stirred out of that room?—Never.

4978. How did you happen to find your way into that particular room where those people were?—I was showed up.

4979. You do not know by whom?—I do not it is so long now that I cannot mind it.

4980. The next morning before you voted, did you see Gamble?—I do not mind seeing Gamble.

4981. Will you swear you did not?—I will; I do not mind seeing Gamble.

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4982. You do not recollect whether you did or not?—I do not.

4983. Do you recollect some cars of voters coming from Belfast?—I do not.

4984. From the station do you not recollect seeing the cars come with voters?—I did not see anyone.

4985. Do you recollect seeing them coming through the street to the polling-place?—I do not.

4986. Nor their coming to Bannister's?—I do not.

4987. Now I will ask you whether you saw these persons; did you see Moses Bullick at Bannister's?—I cannot say.

4988. George Gamble?—I cannot say.

4989. Robert Blyth?—I cannot say.

4990. Lucas Waring?—I cannot say.

4991. Arthur Gamble?—I cannot say.

4992. Renny Boomer?—I cannot say.

4993. John Jordan?—I cannot say.

4994. William M'Knight?—I cannot say.

4995. James Dawson?—I think I did.

4996. Samuel Beatty?—I might have seen them all, but I cannot recollect.

4997. *Chairman.*] Did you see Samuel Beatty there?—I cannot say; as soon as I had polled I went straight away.

4998. Mr. *Rodwell.*] No; I am asking you about the time you were at Bannister's?—No, I did not.

4999. You did not see any of those?—Not one that I minded.

5000. Except Dawson?—Indeed, I cannot say that I saw Dawson at Mr. Bannister's that night either.

5001. I have suggested those names, and you say you did not see them there; was Munce there?—I did not see him.

5002. You cannot tell me who told you to go there?—I cannot.

5003. Or how you knew that there were any voters at Bannister's? How did you come to know that the voters were here?—Indeed I could not say; there was some one told me it was the convenientest house to the tally-rooms, and I went there; and I went there for safety, to be there all night.

5004. Where were the tally-rooms?—They were facing that.

5005. Did you see people go in and out of the tally-rooms?—I did.

5006. Who did you see?—I could not say.

5007. Have you had, before you came up here, any conversation with anybody about what you had got to state here?—I did not.

5008. Not a word?—No.

5009. With anybody?—No.

5010. Gamble, or anybody?—No; no man or woman.

5011. Not a word?—Not one.

5012. Since you came up to London have you had any conversation about your evidence?—Not one.

5013 Since yesterday have you had any?—Not one.

5014. You kept it all to yourself?—There was no man spoke to me.

5015. Now, I must just ask you one more question about this point as to Mrs. Gamble; will you tell me what you said to her when you left that banknote?—I do not recollect saying anything to her, only giving her the pound.

5016. Nor her saying anything to you?—Not a word; she thanked me for it.

5017. You have never spoken to her about it since?—Never.

5018. And that is money out of your own pocket?—Out of my own pocket.

5019. And you told no one before you were going to give it, and told no one since you have given it?—No.

5020. You mean to swear that?—Yes.

5021. Distinctly?—I do.

5022. Understand my question; you did not tell anyone you were going to give it her?—No one that I minded.

5023. May you have told someone?—I could not say.

5024. *Chairman.*] Will you swear that you never have told anybody?—Before?

5025. Before first and then after?—No.

5026. Mr. *Rodwell.*] You never told anybody you were going to give her a pound?—No.

5027. And you never told anybody since that you gave her a pound?—Well, I could not say that.

5028. Will you swear it one way or the other?—That I gave her the pound?

5029. No; have you told anybody since that you gave her the pound?—I could not say.

5030. One way or the other?—I could not swear that I did.

5031. Have you ever asked anybody for a pound?—Never.

5032. Or any money?—No.

5033. That you can swear?—Yes.

5034. Did you pay any other money at all any way, either properly or improperly, for election purposes, during the election?—No.

5035. Any watchmen, cabhire, or anything of that sort?—No.

5036. This was the only payment you made?—All that ever I had done.

5037. You say you do not know whether you have told anyone since that you did pay the pound?—Yes.

5038. *Chairman.*] When you gave Mrs. Gamble this pound did she seem surprised at receiving it?—She was glad to see it.

5039. That is no answer to my question. Was she surprised at receiving it? You will have the goodness to answer my question as nearly as you can?—It was on account of him voting.

5040. That is no answer; did she seem surprised at receiving a pound from you?—Well, she did.

Cross-examined by Mr. *Cooke.*

5041. You have been asked about whether you had spoken to anybody before you gave her the pound; what led to your going to her and giving her the pound?—On account of him being away for a fortnight, and me asking him to vote for Mr. Verner, and knowing her to be in distress, I called on her and gave her the pound.

5042. You say you knew her to be in distress; how did you know that?—Well, I thought it.

5043. Had you heard from anybody that she was in distress?—No, I had not.

Re-examined by Mr. *Rodwell.*

5044–54. Because you thought she was in distress; was she the only person in Lisburn in distress?—I do not know of any other.

5055. Do you mean to say she was the only person

person that you knew of in Lisburn, who was in distress?—There is plenty there.

5056. Why did you not give them a pound? Why did you select her?—On account of my asking him to go and vote.

5057. You said you gave it to her because she was in distress, and on account of his being away for a fortnight; I thought you told me yesterday that you did not know that he was going away for a fortnight?—I do not recollect.

5058. Did you or did you not know that he was going away for a fortnight?—It was three or four days before the election.

5059. Did you know that he was gone for a fortnight?—Well, I think it was a fortnight.

5060. Now, mind your answer. My friend asked the question. You said it was on account of her being in distress, and of his being away for a fortnight. Did you know that he was away for a fortnight?—I did.

5061. From whom?—From the time that he left.

5062. Who told you that he was away for a fortnight?—There was no one.

5063. Some one must have told you?—No; from the time he left Lisburn till the day of the polling.

5064. How did you know he was to remain away till the day of polling?—

Mr. *O'Malley.*] He did not say so. He said he gave a pound within a day of the polling.

5065. Mr. *Rodwell.*] Was it before or after the voting that you paid the sovereign?—Before the voting.

5066. Was he in Lisburn at the time?—He was not.

5067. Where was he?—I could not say.

5068. He had not been away a fortnight when you paid her the pound?—Indeed I could not say exactly.

5069. Now you say it was on account of his being away for a fortnight. This was three or four days before the polling and he had not been away for a fortnight. That is a question I have a right to put?—I do not know.

5070. What do you mean by saying that you gave it to her on account of her husband being away a fortnight?—I think he was away a fortnight.

5071. You had yourself taken him. Recollect what you said yesterday. You took him yourself away on the Saturday and saw him on the Monday at Stephenson's?—Yes.

5072. And this was three or four days before the election, so the fortnight had not elapsed. How do you reconcile that answer?—All I can remember is, that I gave away the pound three or four days before the election.

5073. You have told my learned friend why you gave her the pound. You said you gave it to her because her husband was away for a fortnight. Do you mean he was going to be away for a fortnight?—I could not exactly say to the day of the fortnight.

5074. Do you know where he was?—I do not.

5075. How did you know he had been away?—I did not see; I knew he was out of the town.

5076. How did you know that?—By seeing him go away in the cars, and I heard he went with the rest.

5077. From whom did you hear that?—I could not say.

5078. Did you hear it at Stephenson's?—I could not say where it was.

5079. Did you hear it from Redmond Jefferson?—Yes.

5080. And Samuel Young?—No man I can mind.

Examined by the *Committee.*

5081. How soon after you told or asked Arthur Gamble to go to Stephenson's, did you know that he had left Lisburn?—Not that night.

5082. But how soon after?—On Monday night.

5083. That was two days after?—Yes.

5084. And he had stayed at Stephenson's, from the time you had asked him to go there up to the time that he left Lisburn?—Yes.

5085. Did you know where he had gone to?—No, I did not.

5086. How did you know he was gone from Lisburn?—I heard some one say that he was.

5087. Was it true when you said a minute ago that you saw him go in the car?—No, I did not see him go in the car, I only heard them saying he was gone.

5088. I understood you to say that you saw him go in the car?—I cannot say that I did, I cannot recollect it.

5089. Did you, or did you not see him go away in a car?—Well, I could not say.

5090. You know a minute ago you told us most distinctly that you saw him go away in a car. On your oath, did you or did you not?—Well, I could not say. I do not recollect it.

5091. You did say it a few minutes ago. You gave that as a reason for knowing. Did you see him go in the cars?—I did not see him from the rest. I saw the cars passing.

5092. By the *Committee.*] You saw the cars coming with some men upon them, but you did not distinguish Gamble?—I did not.

5093. Knowing that he had gone either by seeing him on the car, or by having heard that he had gone, did you also know, as being a neighbour to him in the same street, that he was not at home?—Yes, I did.

5094. Did you go more than once into his shop?—I never was in his house but once.

5095. Had you had any acquaintance with Mrs. Gamble before then?—Nothing more than speaking.

5096. Do you mean the Committee to understand, upon your oath, that when you went and gave that sovereign to Mrs. Gamble that it was by no other inducement, and for no other reason but that you happened to know that her husband was away for a fortnight, or a portion of a fortnight, and that from that cause she was in distress; on your oath, is that the sole reason why you gave her that pound?—Yes, it is.

5097. Had you known Arthur Gamble before?—Yes, by seeing him.

5098. I do not yet understand how it was you came particularly to canvass her, or to ask Arthur Gamble to vote for Mr. Verner. I am still in the dark as to that. Why did you go to Gamble any more than to any other voter in town?—I was told to go; I was asked for to go to Arthur Gamble and ask him to go to Mr. Stephenson's.

5099. Do you not know who it was who told you to go and ask Gamble to go to Stephenson's?—It was Robert Munce asked me to go to Arthur Gamble.

5100. He told you to go to Stephenson's?—Yes.

5101. Where

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5101. Where was it that Munce told you to do that?—In the street.

5102. When did he tell you that?—On that night.

5103. On the same day that you went?—Yes.

5104. You did so without any further inquiry from him?—Yes.

5105. What did he say to you when he told you to go and ask Gamble?—I asked him—

5106. No, he asked you something. I want to know what he said to you. What did Munce say to you when he asked you to go to Gamble?—He asked me if I would go down to Arthur Gamble and tell him he wanted him.

5107. *Chairman.*] That was in the street, you say?—Yes.

5108. By the *Committee.*] That he Munce wanted him?—Yes.

5109. He did not tell you what for?—No, he did not.

5110. Then, when you asked Gamble to go to Stephenson's, did you say anything about his voting for Mr. Verner?—When I asked him to go?

5111. Yes; when you delivered Munce's message that he wanted Gamble at Stephenson's, did you ask Gamble about his vote?—Yes, I told him that Mr. Verner's voters were going down to Mr. Stephenson's.

5112. Why did you say that to him; did you know he was going to vote for Mr. Verner?—I asked him if he would go down, telling him that Robert Munce had sent me.

5113. Robert Munce sent you to say that he wanted him?—Yes.

5114. Did you ask Gamble which way he intended to vote?—I did not.

5115. Did you know which way he intended to vote?—I did not.

5116. Then why did you tell him to go down to Stephenson's because Verner's men were there?—Because Robert Munce asked me to go for him.

5117. At what time did you know that Gamble was going to vote for Verner?—At what time?

5118. Yes; when did you know that Gamble was going to vote for Verner?—I knew, by his words, that night when I went down.

5119. What were those words?—He said he would vote for Mr. Verner.

5120. He told you so?—Yes.

5121. Did you ask him if he would?—I do not recollect it.

5122. Did you go with him to Stephenson's?—No.

5123. Was it in his shop that he said he would vote for Verner?—It was in Mr. Stephenson's.

5124. After giving him the message to go to Stephenson's, he went and you followed?—Yes.

5125. Then it was at Stephenson's that you saw him?—Yes.

5126. Did he then tell you he would vote for Verner?—I think he did.

5127. Did you see him again before he left Lisburn after that night?—I think I saw him on the Monday.

5128. Was that at Stephenson's?—Yes.

5129. Did you go again to Gamble's house any time before you went and gave her the pound?—No.

5130. Had you any knowledge, at the time you gave the message to go to Stephenson's, that in going there he would not return home for a fortnight or any time?—I had not; and knew nothing at all about it.

5131. How long have you known Munce; Munce is your brother-in-law?—Yes.

5132. You swear that you gave that one pound out of your own pocket?—Yes.

5133. Did you go to anybody else during the election?—No.

5134. Did you give a pound out of your own pocket to anybody else for anything?—I have.

5135. Just tell us one case in which you have?—I have given money to the building of places of worship before now at collections.

5136. But to any person; have you ever given a pound to any person for charity?—I have relieved many a time.

5137. Give us a case of one person; can you remember a case?—Well, I cannot.

5138. What is your business; you are a shoemaker, are you not?—I keep a boot and shoe shop.

5139.—Are you married?—Yes, I am.

5140. Did you tell your wife that you had given this pound?—Well, I think I did.

Mr. *O'Malley.*] Would the Honourable Chairman ask him what is the rent of his house?

5141. *Chairman.*] What is the rent of your house?—£22.

Mr. *Rodwell.*] Perhaps you would be kind enough, sir, to put a question on that, whether he does not let out a great part of it to lodgers?

5142. *Chairman.*] You hear the question. What is your answer?—Well, I have. There are three at the present time stops with me.

5143. Are you in the habit of letting your house out to lodgers?—Furnished lodgings.

5144. By the *Committee.*] You let furnished apartments when you can get tenants?—Yes. I have two spare rooms which I do not occupy myself.

5145. *Chairman.*] You were asked yesterday, "What did you say to Arthur Gamble?"—"I told him that I asked him." "What did you say to him; what did you ask him?"—"It was so long ago I cannot bring to mind." "Your memory is very good, Mr. Allen."—"I cannot bring to mind; it is so long ago." "Now, tell us what it was?" and then you answered, "I think I asked him to go down to Mrs. Stephenson's, or Mr. Stephenson's, to be out of the road, and vote for Verner." Do you adhere to that answer?—I did not think you were speaking to me.

5146, I will read you what you said yesterday. "I think I asked him to go down to Mrs. Stephenson's or Mr. Stephenson's to be out of the road and vote for Verner."—Well, I think them was the words.

5147. That is your impression of what occurred between you and Gamble when you went to his house?—Yes.

5148. Then it is a mistake if you have said that you never spoke to Gamble about the election?—I never spoke to him from that night.

[The Witness withdrew.

Mr. JONATHAN RICHARDSON, of Glenmore, was called in; and, having made affirmation, was Examined by Mr. *Clerk*, as follows:—

Mr. *J. Richardson.*

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5149. You are Mr. Richardson of Glenmore, I think?—Yes.

5150. I think there are several members of your family residing at Lisburn?—Yes.

5151. You are the head of the family, I believe?—Yes.

5152. Do you carry on business very extensively at Lisburn?—I do.

5153. I want to call your attention to the election in February, 1863. Mr. Richardson, of Lanbeg, is a cousin of yours, is he not?—He is.

5154. Is he alive?—He is.

5155. Were you aware that he was going to retire from the representation of Lisburn in the spring of last year?—I was.

5156. You took an active part on the Conservative side at Lisburn?—I did.

5157. *Chairman.*] You will excuse my asking you. Is the form of affirmation binding on you; because you are not, I think, of the persuasion of Quakers?—No; but having been.

5158. That is the form in which you wish to be sworn as it were before this Committee?—Yes.

5159. Though you are not a Quaker now?—No; I am not.

5160. You consider it as binding?—Quite.

Mr. *O'Malley.*] It is now extended to any one who has a conscientious objection to taking an oath. Formerly the only persons relieved were Quakers and Separatists.

5161. Mr. *Clerk.*] There is no doubt the statute permits the witness to affirm in that way. May I take it that you are one of the leading men at Lisburn, and that you consider that form of affirmation as binding as an oath?—Certainly.

5162. And I take it for granted that you will tell us all you know that I may ask you?—Yes.

5163. I believe you were taking a leading part on the Conservative side in politics at Lisburn?—I did.

5164. *Chairman.*] You had been in the habit of taking a leading part for the Conservative party before last February?—I always voted on the Conservative side, but I never had anything or very little to do with any election previously, except it was to vote.

5165. Mr. *Clerk.*] I believe members of your family for some time previously, who were in the liberal Conservative interest had represented the borough, had they not?—One had.

5166. Had not Mr. Richardson of the Island represented the borough before?—He had.

5167. And then Lanbeg?—Lanbeg I considered a Conservative.

5168. They were members of your family?—Yes.

5169. The question I asked you was this. Do you know when Mr. Barbour declared his intention of becoming a candidate on the vacancy occurring?—I think it was early in January.

5170. Was Mr. Bateson, now Sir Robert Bateson, invited by your friends or by yourself to stand for Lisburn in the Conservative interest?—He was.

5171. Did he come to the borough?—He did.

5172. How long did he stay in Lisburn?—Three days.

5173. By the *Committee.*] Have you got the date on which Mr. Bateson came?

5174. Mr. *Clerk.*] You say he was there three days. Can you give me the date of his retiring?—I do not know.

5175. Was it about the middle of January. Did he publish an address in the newspapers when he retired?—He did.

5176. That, I think, will give us the date; I think it was the 19th January?—Somewhere about that time.

5177. *Chairman.*] Previously to Mr. Bateson's coming, the electors were aware of Mr. Bateson's intention to stand?—Yes.

5178. Mr. *Clerk.*] He retired, I think, upon the 19th January, or about that date; now, you say that there was a letter published in the papers; I dare say you read it at the time?—Yes.

5179. Will you tell me whether that letter which is there in print, and extracted from the paper, is the letter which was published at that time (*handing the letter to Witness*)?—Yes, I believe so.

Mr. *O'Malley.*] That is the letter which appeared in the paper?

Mr. *Clerk.*] Is that a letter from Mr. Robert Bateson?

Mr. *O'Malley.*] He cannot say.

5180. Mr. *Clerk.*] Were you acting on behalf of Sir Robert Bateson; Mr. Bateson that was at that time?—I was. He was a personal friend of mine.

5181. Was that his letter?—As far as I recollect, it is what I saw in the paper.

5182. Did you not know of the letter having been written by him?—I heard that there was.

Mr. *Clerk.*] Very well. Does my learned friend object?

Mr. *O'Malley.*] Of course I object.

Mr. *Clerk.*] I think I have a perfect right to put it in; but still I will not discuss it.

5183. You say that the 19th of January was the date when he retired?—I suppose so.

5184. Now, from the 19th of January to the 9th of February, was there any candidate on the Conservative interest in opposition to Mr. Barbour?—No address.

5185. Was there any candidate who had visited the town at that time?—No.

5186. When did Mr. Verner first come into Lisburn?—I do not recollect.

5187. Was it not on a Monday?—It was on a Monday.

5188. Did you not accompany him in a carriage when he came in?—He called at my house and picked me up.

5189. Was there a gentleman of the name of Crossley with him?—There was.

5190. Is Mr. Crossley Sir William Verner's agent?—I think so.

5191. You say that he called for you in the carriage, and took you up; where did you go to in the carriage?—We went to Lisburn.

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5192. You live out of Lisburn; you live at Glenmore, some short distance from Lisburn?—Yes.

5193. He took you into Lisburn in his carriage?—Yes.

5194. Where did you go to in Lisburn?—We called upon several voters on our way into Lisburn.

5195. *Chairman.*] You began canvassing immediately after leaving your house?—Yes.

5196. Mr. *Clerk.*] When did you first know that Mr. Verner was coming to Lisburn?—I think the Friday or Saturday before; but I am not sure.

5197. When was the first address published, either by you or by anybody on behalf of Mr. Verner?—I am not sure whether it was on Monday, or the morning he came into the town.

5198. But that was the day that he came into the town?—He came into the town on Tuesday.

5199. I thought you said that it was on Monday?

Mr. *Cooke.*] You put it into his mouth, and he adopted it.

5200. Mr. *Clerk.*] Either onthe 9th or the 10th, the day he came in, you say there was an address published?—Well, I meant that he came to the North on Monday; he passed through Lisburn to Belfast. On Tuesday he began to canvass.

5201. By the *Committee.*] Did he come into Lisburn on Monday or Tuesday?—On Monday evening he passed through Lisburn to Belfast.

5202. Mr. *Cooke.*] By railway?—By railway.

5203. Mr. *Clerk.*] You did not see him upon that day yourself?—No.

5204. By the *Committee.*] It was Tuesday that he took you up?—Yes.

5205. *Chairman.*] He first appeared in Lisburn as a candidate on Tuesday?—Yes.

5206. Mr. *Clerk.*] Can you recollect when the address of Mr. Verner was first published?—I am not sure whether it was on Monday or Tuesday morning.

5207. You say that you called upon several voters on your way up?—Yes.

5208. Do you recollect to what house you went when you got to Lisburn?—To the Hertford Arms.

5209. Did you get out at the Hertford Arms?—We went to the Hertford Arms; I do not think that we went there in the carriage; I think the carriage left us on the way into town, and we canvassed up.

5210. Do you know Mr. Lucas Waring?—I do.

5211. He is a solicitor, is he not?—He is.

5212. Did you leave your carriage at Mr. Lucas Waring's?—I think that it is very likely.

5213. Did you go into Mr. Waring's?—Yes.

5214. Do you know a person of the name of Alexander M'Can?—I do.

5215. He was the gentleman who endeavoured to withdraw the petition, which there was so much inquiry about last year?—Yes.

5216. Do you recollect whether you saw him at Mr. Lucas Waring's on that day?—I do not think I did, but I do not recollect.

5217. Do you recollect whether you saw him in the street on that day; on the day that you came through Lisburn?—I have no distinct recollection; but I think it is very likely I did.

5218. You recollect that you went into Mr. Lucas Waring's upon that occasion?—Yes.

5219. You cannot say whether Mr. M'Can was there or not?—I do not recollect him there.

5220. Did Mr. Verner go to Mr. Waring's with you?—Yes.

5221. You say that you thought you left the carriage there? From Mr. Waring's, did you walk through the town, calling at different houses?—Yes.

5222. Do you recollect who were with you?—There was Mr. Crossley and myself; we canvassed until we got to Mr. Waring's; I think that we met some others there. Perhaps it was before that we met some others, some of the electors.

5223. I will suggest it to you; was Mr. David Beatty with you on that day?—He was.

5224. You know Mr. Redmond Jefferson, no doubt?—Yes.

5225. Was he with you?—I think part of the day.

5226. No doubt you know Mr. Samuel Young?—Yes.

5227. Was he with you?—I think that he was.

5228. Now, you have told the Committee that in course of your walk you went to the "Hertford Arms;" did you go into the "Hertford Arms?"—Yes, I think so.

5229. At that time, or from that time, up to the time of the election, had you any rooms engaged at the Hertford Arms?—Mr. Verner's solicitors had.

5230. Do you like, or do you dislike, to call them committee rooms?—I believe that it is the common acceptation of the term to call them committee rooms.

5231. I think you have called them committee rooms more than once, pending that election?—I may have.

5232. *Chairman.*] Who were Mr. Verner's solicitors?—Mr. Lucas Waring and Mr. Moore.

5233. Was Mr. Moore a Lisburn man?—He was from Dublin: then there was Mr. Pennington.

5234. Was he a Lisburn man?—Yes.

5235. Any one else?—Mr. Crawley and Mr. Young.

5236. Is that Samuel Young?—No.

5237. Who?—A solicitor in Belfast.

5238. What is his Christian name?—I really do not know.

5239. Mr. *Clerk.*] It is "J." Young, is it not?—I do not know.

5240. *Chairman.*] Any one else?—No, I think not.

5241. Mr. *Clerk.*] Was there not a gentleman engaged from Belfast; a Mr. McLean?—I do not ever recollect seeing him in Lisburn during that election.

5242. Mr. Moore was from Dublin, and Mr. Waring was at Lisburn; was Mr. Crawley from Belfast?—Yes, or Downpatrick; I think he is living now in Belfast.

5243. He was at Downpatrick then?—Yes.

5244. Mr. Pennington was a Lisburn man?—Yes.

5245. *Chairman.*] The only two Lisburn men were Waring and Pennington; is that so?—Yes.

5246. Mr. *Clerk.*] Was there a Mr. C. M. Arundel there also?—There was.

5247. Is he from Belfast?—From Belfast.

5248. *Chairman.*] Is he a solicitor?—No, he is not.

5249. Mr. *Clerk.*] Was he engaged there in the business of the election?—I saw him there taking an interest in the return of Mr. Verner.

5250. Is

5250. Is he a Lisburn man?—No.

5251. By the *Committee.*] What is he?—I think he is a wine merchant.

5252. Mr. *Clerk.*] Now I see you very fairly do not dislike the name of "Committee," were you the chairman of that Committee?—I was not.

5253. Have you not seen that printed paper before (*handing a paper to the Witness*)?—I have.

5254. Was not that printed with your authority?—No.

5255. Do you know at all by whom that was ordered?—I think it was drawn up by Mr. Arundel, at the suggestion of Mr. Moore.

5256. Mr. Moore, the conducting agent of Mr. Verner?—Yes.

5257. Did you not know of that circular being issued?—Not till it was in print.

5258. Did you afterwards see it when it was in print?—Yes. I went into Mr. Moore's rooms at the Hertford Arms, and it was laid before me. They said that they had taken the liberty of putting my name to it for the purpose of giving it an official appearance, and to call this general meeting, of which they wished me to be chairman.

5259. By the *Committee.*] Mr. Moore said he had taken the liberty of putting your name?—Either Mr. Moore or Mr. Arundel: perhaps both of them.

5260. Mr. *Clerk.*] Then you saw those printed circulars before they were distributed, I understand?—Yes.

5261. Were they afterwards distributed amongst the supporters of Mr. Verner?—They were.

5262. I think that circular operated somewhat as a ticket of admission, did it not? They were to bring a circular with them to the meeting?—Not that I know of.

5263. Just look at the bottom of it and see.—Yes. I did not observe that was in it.

(*The paper was put in, and read as follows:*—)

"150.—Lisburn Election.—Committee Rooms, Hertford Arms, February 12th, 1863.—Dear Sir,—You are requested to attend a meeting of Mr. Verner's supporters, on to-morrow evening, at Mr. Adam M'Clure's house, Market-square.—Chair to be taken at Eight o'clock. I am, dear Sir, yours faithfully, Jonathan Richardson, Chairman of Committee. To 150. [Please produce this circular at the door.]"

5264. Now, in consequence of that circular, was a meeting held?—There was.

5265. At which you took the chair.—Yes.

5266. Do you recollect who attended at that meeting? which of Mr. Verner's supporters attended?—His friends and supporters; there were a large number there.

5267. You took the chair. Do you recollect who spoke at that meeting? Did Mr. Redmond Jefferson speak?—I do not recollect that he did.

5268. Do you recollect who did speak? No doubt Mr. Verner did?—Mr. Verner did.

5269. Do you recollect who introduced him to the electors?—I suppose it was myself.

5270. Was there a meeting a short time after that at the Hertford Arms?—There was.

5271. And on that occasion, I think you took the chair?—Yes.

5272. *Chairman.*] When was this meeting?—About a week afterwards. I think the 18th or 19th.

Mr. *Clerk.* It was the 19th February.

5273. *Chairman.*] That was the day of the nomination? The 21st was the polling, and the 19th the nomination?—I really do not recollect.

5274. Mr. *Clerk.*] I read from the "Belfast News Letter," and the date is the 19th, and it is the last evening; therefore, it was on the 18th, Wednesday evening. Can you recollect that?—I think that it was on the 18th.

5275. Do you recollect who spoke on that occasion?—Sir William Verner.

5276. Was Mr. Redmond Jefferson there? Did he ask to say a few words?—I think he did.

5277. And I think Mr. David Beatty moved the best thanks of the meeting to be given to you for your able conduct in the chair?—I do not recollect.

5278. Do you recollect Mr. David Beatty speaking?—I have not a recollection of it?

5279. You see there is a letter dated from the committee room of the Hertford Arms. What rooms were those?—It is commonly known in the hotel as the public room.

5280. Upon what floor?—The second floor.

5281. You mean one flight of stairs from the street?—Yes.

5282. Are there two rooms there; is there one large room and one anti-room?—Yes.

5283. Is there a partition between them?—A wooden partition.

5284. Were those rooms occupied by Mr. Moore during the election and the canvassing?—Yes.

5285. *Chairman.*] Both rooms; the large room and the ante-room?—Yes.

5286. Mr. *Clerk.*] Were you in the habit of going to those rooms?—Yes.

5287. Every day, I think?—I do not think every day, but most days.

5288. Used Mr. Verner to come to those rooms in the morning before he began his canvass?—I think he did; generally when he came by railway.

5289. Where was he staying during that upwards of a fortnight which elapsed from the Tuesday?—In Belfast.

5290. He came in every day, did he?—Yes.

5291. By train?—Not always by train.

5292. On the days that he came into Lisburn, used he to come into those rooms?—Yes, I believe so; I have seen him there.

5293. Used you to see him of an evening, at the close of the canvass of the day?—Sometimes.

5294. Will you tell me what gentlemen besides the solicitors were in the habit of going there, and who constituted that committee of which you have spoken?—There was no committee.

5295. Have you not spoken of there being a committee?—If I have, it was the committee of solicitors I meant.

5296. Just read that (*handing a paper to the Witness*); is that your handwriting?—It is.

5297. Just read that?—(*Having perused the same*) That is my writing.

5298. Was there not a Committee?—There was not.

5299. Was there a young man of the name of Alister, who was in the employment of Mr. Richardson of the island?—Yes.

5300. He was a very young man, I believe, under age?—I do not think that I ever saw him but once.

5301. You know that he is quite a young lad?—I believe that he is a young lad.

5302. About

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5302. About 19?—I really do not know.

5303. You know the young man to whom I am referring?—Yes.

5304. Was he brought to the Hertford Arms?—He was.

5305. Was he a registered voter?—I understood that he was.

5306. I have the register here, so there is no doubt of it. Did you see him at the Hertford Arms?—Yes.

5307. Where?—Sitting beside Mr. Moore.

5308. Were there any other voters for Lisburn at the Hertford Arms at that time?—I do not recollect. I do not think there were.

5309. *Chairman.*] When you saw him sitting beside Mr. Moore was it in one of the two rooms Mr. Moore was in the habit of occupying?—Yes.

5310. Mr. *Clerk.*] Do you know who brought him there?—I do not know.

5311. How long had he been there?—Only a few minutes, I believe, as far as I know. He was there when I went into the room.

5312. At what time of the day did you go?—I think that it was on the arrival of the five o'clock train in Lisburn, about half-past five.

5313. The arrival of the five o'clock train where from?—From Belfast.

5314. And you found this young man at the Hertford Arms when you went there?—Yes.

5315. With Mr. Moore?—Yes.

5316. By the *Committee.*] In the evening?—Yes.

5317. Mr. *Clerk.*] What was he there for?—Mr. Moore told me that he had come there for safe keeping, afraid of being taken away, and that he wished to vote for Verner. He came of his own accord, I think he said.

5318. *Chairman.*] Did Mr. Moore say that?—Mr. Moore introduced him to me as a young man who had come there of his own accord for safe keeping, for he was afraid of being taken away.

5319. Mr. *Clerk.*] When he was there, did a gentleman of the name of Strangman come there?—He did.

5320. Strangman came when you were there?—Yes.

5321. By the *Committee.*] Do you mean while he was there at this particular time?

5322. Mr. *Clerk.*] Yes, it is all one transaction; at the time that you were at the Hertford Arms upon this day, when Alister was there, did not Strangman call?—He did.

5323. Was it the day that you had the meeting at M'Clean's, on the 12th of February?—I think that it was the 12th or 13th.

5324. Have you a person in your employment of the name of Samuel Smith?—I have.

5325. Did he inform you while you were at the Hertford Arms, that Mr. Strangman was there and anxious to see you?—I do not recollect whether it was Samuel Smith—some one did.

5326. Had you ordered yourself to be denied?—I had not.

5327. Had you not given directions that if any one called, to say you were not there?—No; I had not.

5328. You are sure of that?—I am quite sure.

5329. Had you given orders to any one that it was to be said you were not at the Hertford Arms?—Certainly not.

5330. I ask you first whether you told Samuel Smith, and then whether you told anybody?—I did not.

5331. Did someone come up and tell you that Strangman was there?—Some one did; I do not know who it was.

5332. At the time that Alister was in the room with Mr. Moore?—He was not there then.

5333. Where was he?—He had gone out; I did not know where.

5334. Was he out of the house?—He was.

5335. You mean that you do not know where he had been taken to?—No.

5336. He had been sent away from Lisburn?—No, I do not think that he had.

5337. Are you sure of that?—Yes.

5338. *Chairman.*] How did you know that Allister was out of the house at that moment?—Because the way it arose was this; I wrote that letter, a confidential one, to what I conceived a friend, who had promised neutrality to me at the time, or I believed that I had, and I wrote that confidential letter which will be produced. When Strangman came, I went down to him, and I told them that the boy should go home. He came with a message from Mr. Richardson of the Island; and I told them of course the boy would be sent to him. I went and told, I think, Mr. Moore about it, and he was sent home again.

5339. Mr. *Clerk.*] The boy was sent home?—Yes.

5340 Sent home, where from?—That I did not know.

5341. You say that he had left the house, and the boy was sent home?—He left the room.

By the *Committee.*] The witness said that Alister had gone out, I do not know where.

5342. *Chairman.*] It was perfectly competent for the witness to know, without any information from anybody, that he had left the room where the witness was, but I want to know how he knew that he left the house?—I believed that he might be out of the house; but he was out of the room; he was gone.

5343. Mr. *Clerk.*] Now, did you not know where he had been taken to?—I did not.

5344. What did you mean by saying just now that the boy was sent home; who sent him home?—I do not know who sent him home; I communicated Strangman's message to Mr. Moore.

5345. Did you write a letter, which you gave to Strangman, or did you write a letter to Mr. Richardson of the Island?—I wrote a letter, but I think I did not give it to Mr. Strangman; I think that I sent it, and that it crossed Strangman coming.

5346. Is that the letter (*handing a letter to the Witness*)?—The letter you showed him.

(*The letter was put in and read, as follows*):—

"Mrs. Lennon's hotel.—My dear Jonathan,—A young man called Alister is here, and wishes to vote for Mr. Verner, but he says that he is not safe: and the committee here think, if you have no objection, they would like to keep him, or, if it does not suit you, and you undertake to take care of him, I know he will be all right. Of course my writing is to save the young man from any blame whatever, and I leave it to you to decide the best you can, which I know you will do for me.—Yours very truly, and affectionately, J. Richardson. I found, on my return from Belfast, a warrant had been issued on two or three charges."

5347 *Chairman.*] This letter was sent to Mr. Richardson of the Island?—I will just explain that; when I went into the room, I found

Alister there; I said that my cousin I conceived had promised me neutrality in this election— that he would not vote; and I knew that he would be angry if this young man Alister was kept; I said I would write him a letter to inform him where he was, and the cause of his being there; Strangman, as well as I recollect, crossed that letter; it got reported where he was, and Strangman and the boy's mother both came; I said, certainly, upon receiving my cousin's message, the boy should not be detained; I went up to Mr. Moore, and told him so, and the message was sent to wherever the boy was for him to go home; I do not know where.

5348. By the *Committee.*] This is Jonathan Richardson?—Jonathan Joseph Richardson, the petitioner. That was a confidential letter, and I am surprised that it is produced.

5349. Mr. *Clerk.*] Is there any expression in that letter that it would be confidential?—No.

5350. You say that Mr. Richardson, of the Island, having promised neutrality, you spoke to the gentleman to have the boy sent back?—Yes.

5351. Do you mean if Mr. Richardson had been on the other side, on the Barbour's side, you would not have had the boy sent back?

Mr. *O'Malley* objected to the question.

Mr. *Clerk.*] Then I will change the question. What do you mean in that letter by your cousin being in a state of neutrality? You believe that he was in a state of neutrality?

By the *Committee.*] It is not in the letter.

5352. Mr. *Clerk.*] No; but you said in your answer, just now, that Mr. Richardson, of the Island, was in a state of neutrality?—Yes. My meaning of that is that he had promised me he would not interfere in the election.

5353. And so you requested the boy to be sent back?—Yes; for fear of offending him.

5354. Do you mean that he might have taken an active part for Mr. Barbour?—Yes.

5355. When Mr. Strangman called, did he not bring you a letter from Mr. Jonathan Richardson, of the Island?—He brought me either a letter or a message—I do not recollect which; but I acted promptly upon it.

5356. By the *Committee.*] Had you written that letter before seeing Mr. Strangman?—Yes; it crossed. I think so.

5357. Mr. *Clerk.*] We shall see whether it had or not. You say that Strangman either brought you a letter or a message, and you acted promptly upon it?—Yes.

5358. Did you say to him, "I will consult them inside, and give you an answer?"—I may have said so.

5359. Did you go upstairs to the committee-room, and see Mr. Moore before you gave any answer to Strangman?—As well as I recollect I went upstairs for the purpose of enquiring what had become of the boy.

5360. Did you find what had become of the boy?—That he had gone with some one that night.

5361. With whom had he gone?—I do not know.

5362. Do you mean that you were not told?—No.

5363. Were you told where he had gone?—No.

5364. Did you not know where he was at that time?—I did not.

5365. When you told Mr. Moore this, what did he say?—I think he said that he would send a message to wherever he was.

5366. That the boy was to be sent home?—Yes.

5367. In that letter you speak of the "Committee." Was there a committee, or was there not?—There was not, except a legal committee.

5368. Then, when you spoke to your cousin about "The committee here, if you have no objection," who did you refer to?—Mr. Moore and the other legal advisers who were there.

5369. You see, in that printed circular of the 12th February, you are published as the chairman of that committee?—Yes.

5370. And you suffered that circular to be sent out to Mr. Richardson?—It was gone out, some of it.

5371. Do you mean that circular had been distributed before you saw it?—Some of them, I understood, had.

5372. Was there not another batch of those circulars sent out on another occasion?—I believe there was.

5373. You are not a lawyer? You are a considerable manufacturer at Lisburn?—Yes.

5374. Will you tell me how you were the chairman of the legal committee?—I explained that that was to give an official appearance to the address. So I was told.

5375. *Chairman.*] In that second issue of the notices, did you desire your name to be erased?—I did not. I did not interfere with it.

5376. By the *Committee.*] When you say the "second" issue, do you mean that it was a second portion of the same issue for the same meeting, or was it another circular for a subsequent meeting?—It was a circular for a subsequent meeting.

5377. And in which you still retained the title of chairman of committee?—Yes.

5378. *Chairman.*] Then it was for a subsequent meeting?—Yes.

5379. Mr. *Clerk.*] There was one meeting held, as we have heard, upon the 19th of February, or about that date?—Yes.

5380. And at which you took the chair?—Yes.

5381. *Chairman.*] Is that the meeting to which you refer?—I was in the chair at both. It is the 18th we are talking about.

5382. That is a subsequent meeting to which you refer?—Yes.

5383. Mr. *Clerk.*] Now, you told me that there was only a legal committee; was Mr. Charles Murray Arundel one of the gentlemen of the committee in your sense?—No.

5384. Was he a gentleman constantly at that room at the Hertford Arms?—I saw him there frequently.

5385. In the room with Mr. Moore?—In the room with Mr. Moore.

5386. What is he?—A wine merchant.

5387. You saw him frequently in that room?—Yes.

5388. Did you not frequently see David Beatty in that room?—I did occasionally.

5389. You know Mr. William Graham, the brewer?—I have seen him, occasionally, there too.

5390. Did he go out sometimes canvassing with Mr. Verner?—Yes.

5391. Now, you know Mr. Thomas R. Pelan, a woollen draper, at Lisburn?—Yes.

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5392. Was he not also a gentleman frequently in Mr. Moore's room at the Hertford Arms?—I have seen him there.

5393. Discussing the business of the election?—Taking an interest in the election.

5394. And discussing the business of the election?—I do not know what you mean by discussing the business of the election.

5395. Talking it over?—Yes, I suppose talking it over.

5396. And having regard to the arrangements of the election?—I do not know; he may have been.

5397. Did he also go canvassing with Mr. Verner?—I do not recollect ever seeing him.

5398. *Chairman.*] Did you ever talk to Mr. Pelan yourself in this room upon the subject of the voters, or the election, or how the affair was going on, or anything of the kind?—Well, I really do not recollect; but I may have done so; there were so many in the room.

5399. You knew him well enough to do so?—Yes; I knew that he was taking an interest in it.

5400. Mr. *Clerk.*] You proposed Mr. Verner at the election?—Yes.

5401. Both at the February election and at the June election?—Yes.

5402. Did Mr. Redmond Jefferson second Mr. Verner at the February and also at the June election?—Yes.

5403. When Mr. Verner was unsuccessful in the contest in February, did Mr. Redmond Jefferson make a speech on the hustings upon his behalf, Mr. Verner not being present?—I was not present at the meeting.

5404. You were not there?—No; that was at the declaration of the poll, I understand.

5405. You were not there yourself?—No.

5406. You have told us that Mr. Redmond Jefferson was at these meetings, and at one of them he spoke. Did you see Mr. Redmond Jefferson often in Mr. Moore's room, at the Hertford Arms?—I have seen him there.

5407. Frequently?—Occasionally.

5408. Was there ever a day that you were in that room that you did not see him there?—I think very likely, because I was a very short time in the room. I went generally to Belfast in the morning by the 11 o'clock train, and I called in the evening for a few minutes, as I was going by the five o'clock train.

5409. Have you a secretary of the name of of Thompson M'Kan?—I do not know that he was a secretary. He was doing some clerkship work.

5410. There was a person of the name of Thompson M'Kan who did clerkship work in Mr. Moore's room; is that so?—I believe so.

5411. *Chairman.*] This Thompson M'Kan had been in the witness's employ?—Mr. *Clerk.* No, my question was, perhaps, rather ambiguous. By "in your employment" I mean in the employ of yourself, as chairman of the committee.

5412. *Chairman.*] That is another thing; your question might lead to the impression that this M'Kan, who had been previously a servant of the Witness, appears at this time as a servant in this room. (*To the Witness*). Is that so, or is it not?—No.

5413. Mr. *Clerk.*] Is he a servant to any Mr. Richardson?—Yes, he is in the employ of Mr. Richardson, at Lanbeg.

5414. He has been in the employ of Mr. Richardson, at Lanbeg, but was he doing clerkship work in this room in the Hertford Arms?—I believe he was.

5415. Do you know whether he was paid?—I do not know.

5416. Who gave the orders for printing at the election?—I do not know.

5417. Did you give any orders?—No, I do not.

5418. *Chairman.*] For anything?—For anything.

5419. Mr. *Clerk.*] After the election was over, were you present at a meeting at Jacob Bannister's?—No.

5420. Were you ever present anywhere at any meeting where the expenses of the election were discussed?—I was not.

5421. Have you a person in your employment of the name of Samuel Smith?—I have.

5422. Do you know a voter of the name of Crawford?—I do.

5423. James Crawford?—Yes.

5424. What is he?—I think he is a soap-boiler.

5425. Has he ever been employed by you in any way?—No.

5426. But you knew him?—I knew him.

5427. At any time previous to the February election, did you send Samuel Smith to ask Crawford for his vote?—No, I did not.

5428. Did you know where Crawford was at that time?—I knew where he was working, I did not know where he lived.

5429. Did you know whether he was at his work at that time or not?—I did not.

5430. You say that you never sent Samuel Smith to Crawford?—I did not.

5431. For anything?—No.

5432. You know Stephenson, do you not, who keeps a whiskey shop?—I do.

5433. He is a carpenter also, is he not?—He is.

5434. Does he work for you?—He does.

5435. *Chairman.*] He works regularly for you, we may say?—Yes, he has been in my employment for several years.

5436. Mr. *Clerk.*] Do you know that voters were at Stephenson's on the Saturday night before Mr. Verner came into the town?

Mr. *O'Malley* objected to the question, on the ground that what the Witness had heard since the occurrence took place, would not be evidence if he had not known it at the time.

Mr. *Clerk* was heard in support of the question.

After some discussion, the Chairman stated that the Committee were of opinion that the question could not be put in the form in which the learned counsel had put it.

5437. Mr. *Clerk.*] Then, I will alter it. Were you aware previously to the election in February, that voters had been removed to Belfast?—Not to my knowledge.

5438. You heard it from whom?—I may have heard it.

5439. From whom?—I do not know.

5440. Do you mean to say that you did not hear in the room; I do not care whether you call it a committee-room or not, but in the room at the Hertford Arms, that voters had been taken to Belfast?—I may have heard so.

5441. Have you any doubt that you heard it?—I think it is very likely that I may have heard it.

5442. Have

5442. Have you the slightest doubt?—I have heard it outside, and I may have heard it inside, too.

5443. Have you the slightest doubt that it was discussed in the committee-room?—I do not recollect its being discussed.

5444. Have you any doubt that it was mentioned?—It may have been mentioned.

5445. Do you not know it was?—Perhaps it was.

5446. Was it not?—It is so long since.

5447. *Chairman.*] Was it not a fact of great importance regarding the election, that such recollection could hardly fail you upon such a point as this?—I did hear it; but I will not say that I recollect hearing it in the committee-rooms.

Chairman.] What they call the committee rooms: Mr. Moore's rooms.

5448. Did you hear it before the election in February?—Yes.

5449. Mr. *Clerk.*] You know Stephenson?—I do.

5450. And you know his house?—I do.

5451. *Chairman.*] I understand you to say that you had heard, though you are not sure; but having heard it in the committee-room that voters had been taken to Belfast before the election in February?—Yes; before the election.

5452. By "voters" I mean supporters of Mr. Verner?—Yes.

5453. Had you been consulted before any voters were taken to Stephenson's on the Saturday night?—No.

5454. Previous to the election, did you hear in the committee-room that voters were at Stephenson's?—I have no recollection of hearing it there.

5455. Do you mean that you never heard that the voters were at Stephenson's?—I heard that his house was searched, I think on Saturday night, for the purpose of getting voters out of it that had taken refuge there.

5456. We know about that already. When did you hear of that?—It was on Saturday night, I think; I may have heard of it on Sunday, or perhaps on Monday; I was not in Lisburn on Sunday, and it is possible that I may not have heard of it till Monday.

5457. Where did you hear it upon Monday?—I do not know. I am sure that I heard it before I left home.

5458. Did you go to Stephenson's yourself?—No.

5459. Did you know at the time that these voters were removed from Stephenson's that they were going to Belfast?—No.

5460. When did you first hear that these voters were taken to Belfast?—I really do not recollect; I think that it is very likely it was either Monday or Tuesday. It was generally known that such had been the case.

5461. Did you take any steps to have them brought back again?—No; I had nothing to do with them.

5462. I am speaking of a full fortnight before the election. Two documents were published with your name as chairman of Mr. Verner's committee. I ask you, did you take any steps to have those voters brought back from Belfast to Lisburn?—I had nothing to do with them whatever.

5463. Do you know George Ingram, at Belfast?—I know him now, since I came to London.

5464. You had never seen him before?—I might have seen him, but I did not know him.

5465. You know George Bannister, do you not?—I do.

5466. His house is nearly opposite the polling-place at Lisburn?—Yes.

5467. Do you recollect whether, on the day of the election, there were any placards on his house with "Verner's Tally-rooms" upon them?—I do not recollect seeing them at all.

5468. Were there any placards at all, or any papers posted up in the windows?—In Bannister's?

5469. Yes?—I have no recollection.

5470. Were there at Captain Ward's?—Well, I really do not recollect. I think it is very likely that there were.

5471. You do not know whether there were or not?—I do not. There was such a crowd in the street, I could not see. It is very likely that there were.

5472. Had Mr. Verner any tally rooms at the election. You were the chairman of this committee?—

Mr. *O'Malley.*] He is called the chairman of the committee; he has never called himself so; and he has sworn upon several occasions that he was not the chairman of the committee.

Chairman.] That is a question for us to decide.

5473. Mr. *Clerk.*] I ask you, then, as the gentleman who proposed and took some interest in Mr. Verner's success at the election; you will not question that?—No.

5474. Where were Mr. Verner's tally rooms?—I think they were at Captain Ward's.

5475. Anywhere else?—The Hertford Arms.

5476. *Chairman.*] What sort of business is done in the tally-room?—I know little about elections. I really do not know further than that I think the voters were got across from Captain Ward's to vote. I suppose that is what they mean.

5477. Do you mean that it was a room in which the voters were got together for the purpose of going off to the poll?—Yes, that is what I understand by "tally-room."

5478. Mr. *Clerk.*] Did the voter get a ticket with his name and number upon it, and was his name struck off upon it when he voted?—He got a ticket; but I do not know anything about the name being struck off.

5479. Were you in George Bannister's at all during the election?—No.

5480. Have you been there since?—I have.

5481. How soon after the election were you there?—I think that the first time I was there after the election was for a meeting that was called to give Mr. Verner a dinner.

5482. That was not till the month of April?—No.

5483. Had you anything to do with the accounts after the election?—Nothing.

5484. Did you know after the day of the election, or on the night before, that there were supporters of Mr. Verner at George Bannister's?—No, I did not.

5485. Did you learn at the committee-rooms, or from anything that was discussed there previous to the election, that the voters were at Belfast?—No.

5486. How many voters, supporters of Mr. Verner,

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Verner, were taken away to Belfast, to your knowledge?—I do not know.

5487. Fifty?—I do not know.

5488. Were there not as many as 50?—I do not know.

5489. Do you not know the exact number?—No, I never heard.

5490. Do you mean that you never heard the number?—I have not.

5491. You say that you gave no orders yourself. Were you present at any time, at the Hertford Arms, when any one else gave orders?—No, not in my hearing.

5492. Was there not a treasurer at the Hertford Arms?—I do not know.

5493. Was not Mr. David Beatty the treasurer?—Not that I know of.

5494. You mean you do not know that Mr. David Beatty was the treasurer?—I did not.

5495. And had charge of money matters?—I did not.

5496. Had Redmond Jefferson any charge of the money matters?—I do not know.

5497. Do you know a voter of the name of Backas?—Yes.

5498. The man who had been living at Derry?—Yes. I did not know him. I knew him by name.

5499. You knew there was such a man?—Yes.

5500. Do you know Edward Johnstone?—I do.

5501. Had you any conversation with Edward Johnstone about Backas?—I may have had; but I do not recollect it.

5502. Were you not in the Hertford Arms on the night Johnstone was sent off, or went off, from Lisburn to fetch Backas from Derry?—I do not know.

5503. Do you mean that you heard nothing about it?—No.

5504. Did you see Johnstone in the Hertford Arms before the February election?—I do not remember ever having seen him there. It is possible that I may.

5505. I mean with reference to Backas?—No. With reference to Backas, I can say that I did not.

5506. Had you no conversation with Johnstone after he came back from Derry?—I did not see Johnstone for a considerable time before the election, till after the polling.

Chairman.] That is the June election which your question refers to?

Mr. *Clerk.*] Yes.

Chairman.] What Johnstone said about seeing Glenmore in the street refers to his return; after he had been, in June, to Backas, he stated that a person of the name of Dawson had seen him, and given him 6 *l.*

5507. Mr. *Clerk.*] But did you not hear that Johnstone was going to Derry to fetch Backas?—I heard that he offered to go.

5508. *Chairman.*] That was in February?—In February.

5509. Mr. *Clerk.*] Where did you hear that?—I think that he told me, at his own house, that he would go to Derry; and he could get Backas to vote.

5510. How came you to be at Edward Johnstone's?—I called upon him with Mr. Verner.

5511. Did you talk about Backas?—Yes; he told me that Backas had a vote, and he could get him to vote.

5512. Did you tell him to go?—I did not.

5513. Did you tell him that you had better go?—Yes, perhaps I may have done so. That we would be glad to get all the votes we could.

5514. Did he afterwards come down to the committee room, when you were there?—I do not ever recollect seeing him at the committee room.

5515. Do you know that Johnstone went to Derry at the June election?—Not of my own knowledge; I heard so.

5516. Did you see Johnstone in the street previous to the June election, and after you had heard something about his going to Derry?—I do not recollect it.

5517. Did you say this to Johnstone: "Well, Johnstone, how about Backas"?—It is quite possible I may, but I do not recollect it.

5518. That is not so very long ago; that was last June you saw him in the streets; did you?—I may have done so.

5519. Had you not a conversation with him about Backas after he came back from Derry?—I do not recollect.

5520. Do you not recollect whether you said to him, "Well, Johnstone, how about Backas"?—I have no recollection of it.

5521. You have mentioned that there were two rooms in the Hertford Arms, the large room, and an ante room, a smaller room separated by a partition; what was the smaller room used for?—I have seen Mr. Moore dining there.

5522. Have you seen other people dining there?—Perhaps I saw Mr. Arundel there.

5523. But a great number of other people?—No, I did not.

5524. Were there not refreshments pretty constantly in that smaller room?—Not that I know of.

5525. You were in there almost every day?—No, I was not.

5526. Do you pass through that room to get into the larger room?—No.

5527. Do you know who paid for the use of those rooms?—I do not.

5528. Was anything said to you by the landlady, or her daughters, with regard to whom those voters were to be charged?—Never.

5529. I mentioned to you, some time ago, the name of a person called Alexander M'Cann; was he often at the Hertford Arms?—He might have been, but I did not see him often there.

5530. Did you not introduce him to Mr. Verner as a person who would be very useful to him in the election, the first time when you went to Mr. Lucas Waring's, when you left your carriage outside?—I have no recollection of him having been at Mr. Lucas Waring's at all.

5531. Well, in the street, or at the door?—Or in the street either; I do not recollect the circumstance.

5532. Where was Mr. M'Cann employed at this time, previous to the election?—I think he had been winding up Mr. Burney's affairs.

5533. He was a clerk to Mr. Burney?—Yes.

5534. *Chairman.*] Who is Mr. Burney?—He was a solicitor at Lisburn.

5535. Mr. *Clerk.*] He is the law agent to the Marquis of Hertford?—He had been.

5536. When you came in with Mr. Verner, did you not see M'Cann in the street, and did you not introduce him to Mr. Verner on that occasion?—I have no recollection of it; but it is quite possible I may have done so, for, of course, if I met him I would have done so.

5537. Did

5537. Did you not introduce him as a person who would be very useful to Mr. Verner in the election?—I do not recollect the circumstance; it is a long time ago.

5538. *Chairman.*] M'Cann was not, at this time, in Mr. Waring's employ?—No; I think he was under the pay of Mr. Burney still. At least that is my impression; I am not sure of it.

5539. Did Mr. Burney take any active part in the election?—None but voting.

5540. For whom did he vote?—For Mr. Verner.

5541. Mr. *Clerk.*] There were a good many disturbances, were there not, during the election, and riots in the streets?—The night that Mr. Verner passed down to Belfast there was.

5542. There were mobs on both sides, were there not; was not there an Orange mob of 300 men, from Belfast?—Where?

5543. In the town, before the election?—Not that I know of.

5544. Do you mean that you really do not know that?—I do not.

5545. Did you send for Mr. Orme, the resident magistrate, to come to the Hertford Arms, one evening or afternoon?—No, I did not.

5546. Was he sent for?— I do not know.

5547. Did he come there while you were there?—I saw Mr. Orme in what I thought was his own room at the Hertford Arms.

5548. Did you see him in the room where Mr. Moore used to sit?—I have no recollection of seeing him there.

5549. Let me try to refresh your recollection; you say he was sent for?—No; I do not know.

5550. Did Mr. Orme, with Mr. Richardson of the "Island," come to the Hertford Arms one day?—I saw Mr. Orme and Mr. Richardson in what I conceived to be their rooms.

5551. *Chairman.*] At the Hertford Arms?—Yes.

5552. Mr. *Clerk.*] Before that had they been in the room of Mr. Moore?—I do not recollect that they had been there; I have not the least recollection of their having been in Mr. Moore's room.

5553. Was there not some story about bludgeons?—Yes.

5554. And did not Mr. Orme and Mr. Richardson of the "Island," a magistrate of the borough, come to you on that subject?—No; I went to them.

5555. Then you did go to them?—Yes, into Mr. Orme's room; what I believed to be Mr. Orme's room. There were other police officers there.

5556. Did not Mr. Richardson and Mr. Orme come into Mr. Moore's room, where there was the desk and the tables?—I do not recollect them being there.

5557. Do you recollect Mr. David Beatty, when Mr. Orme said "What room is this?" saying "This is Mr. Verner's committee-room;" and then Mr. Orme said, "We have no business here," and you went out, and they went into his private room?—I do not recollect it. I recollect going into Mr. Orme's room with a club, to show the magistrates.

5558. That is the occasion to which I am referring. Before that had not Mr. Orme and Mr. Richardson walked into the room and asked what room it was; and did not Mr. Beatty say, "This is Mr. Verner's committee-room," upon which Mr. Orme said, "We have no business here"?—I really have no recollection of it.

Cross-examined by Mr. *O'Malley.*

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5559. I understand that you are a gentleman of property in the neighbourhood and in Lisburn; and taking an interest in the elections there?—Yes.

5560. Were you in any way employed as an agent in conducting the business of this election for Mr. Verner?—Not any.

5561. Did you take any part in it beyond that of an independent supporter of the Conservative side?—None.

5562. Did you take your place as chairman of any committee during the whole course of the proceedings?—No.

5563. Did you ever interfere to control the action of any agents or any servants during the whole course of the proceedings?—Never.

5564. Did you have anything to do with money arrangements, or the arrangements for bringing up voters, or anything of the kind?—None.

5565. You told us that having seen a placard with your name at the bottom of it as chairman, you allowed it to go out, but that it had not been put there by your consent?—Yes.

5566. I understand that on all public occasions, at the poll, and at public meetings elsewhere, you did appear as a supporter of Mr. Verner?—I did.

5567. And as a supporter of the Conservative cause?—Yes.

5568. We were told in the opening of my learned friend, and I suppose that is so, that up to a recent period this was an undisputed Conservative borough. No contest used to arise there at the time?—Yes; up to 1852 or 1853, I think.

5569. You were asked about this going to Mr. Orme's. What did you go to Mr. Orme's room for?—There was a club brought into Mr. Moore's room, and it was represented that a covered car-load of them had been brought in from Mr. Barbour's, and lodged in a certain place in town, the party who came in offering to bring as many sack-fuls of them as we would pay them for. They were such a serious weapon that Mr. Moore thought I should represent it to the magistrates, and I did so. I found Mr. Orme with Mr. Jonathan Joseph Richardson and, I think, two or three other police officers, I think, in the rooms which were occupied by them; I found they were the rooms occupied by Mr. Orme and the officers. I showed it to them, and they told me they could do nothing in the matter.

5570. Did you go there, in point of fact, for protection for the town in consequence of hearing that these weapons had been brought in?—Yes.

5571. And brought in from Mr. Barbour's?—Yes.

5572. You saw Mr. Orme and Mr. Richardson, and they told you that they could do nothing in the matter?—Yes.

5573. Now you have been asked whether there was a great deal of excitement and irritation in the town; was there a large mob on the part of Mr. Barbour?—There had been.

5574. Was it necessary to protect voters from that mob?—Certainly.

5575. Do you believe that the voters would have had any safety or any freedom of voice?—

Mr. *Clerk* objected to the question.

5576. Mr. *O'Malley.*] Did you understand what the object was of keeping the voters up, or sending

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the voters to Stephenson's or anywhere else?—For protection.

5577. Do you remember the day Mr. Verner arrived?—I do.

5578. During that day and the night before, was the town in a very disturbed state?—Very.

5579. You were asked about whether you heard of the mob on Saturday night; was Stephenson's broken into by the mob?—Yes.

5580. Were the windows broken?—They were.

5581. *Chairman.*] Let us understand: was the house broken into, or was it only attacked unsuccessfully; which was it, do you know?—The attack was made on the house, but I really do not know whether any of the voters that were there were rescued or not.

5582. On the Saturday night this attack on the house took place?—I believe so.

5583. Now do you remember the mob of butchers on the Monday?—On Monday night there was considerable excitement in the town, and considerable damage done, mostly to the supporters of Mr. Verner.

5584. You have described to us the rooms which were occupied for the purposes of the election at the Hertford Arms?—Yes.

5585. There was no name, no notice in writing of a committee?—No.

5586. And you know of no committee formed except it was of these legal gentlemen who had the conduct of the election?—None.

5587. Now as far as you can say, and as far as you knew, was the conduct of the election left in the hands of those legal gentlemen?—It was.

5588. Mr. Moore, I think you say, came from Belfast?—From Dublin.

5589. Mr. Crawley from Downpatrick, Mr. Young from Belfast, and Mr. Lucas Waring and Mr. Pennington from Lisburn?—Yes.

5590. And they were all solicitors?—Yes.

5591. I suppose the Hertford Arms was what you call the head quarters of the party?—Yes.

5592. Voters were in and out just as they pleased?—Yes.

5593. Was it the case that there, as at other elections, a great many persons made themselves very busy and officious during the course of the election?—Yes, and took a great interest.

5594. And came in and out, I suppose, during the progress of the election to offer their services, and inquire about voting, and various things of that description?—Yes.

5595. Now you were asked as to some names: Mr. Jefferson, Mr. Beatty, Mr. Ingram, Mr. Young, and others. Did they go in and out just as other persons, all who took an interest in the election?—The same, quite.

5596. As far as you know, was there any service committed to them, or any trust committed to them in any way, different from that of other persons who interested themselves in the election?—I do not know.

5597. Now, in going about canvassing through the town, was the candidate always surrounded by a number of people?—Yes.

5598. A good many people, I suppose, accompanied him during the canvass?—Generally, every day there were several.

5599. And, sometimes, some people accompanied him part of the way, and others the other part of the way?—Yes.

5600. And people who knew of voters, where voters were residing, or where they were to be had, were generally very ready to go forward and give information?—All very willing.

5601. At the two public meetings you were present at, was there any restraint put upon anyone's addressing the meeting who chose to do so?—None.

5602. There was no programme of persons who must speak?—No.

5603. And I suppose Mr. Verner, as a candidate, was bound very courteously to listen to them all?—Yes.

5604. *Chairman.*] You are speaking now of the meeting at M'Clure's?—Yes.

5605. Mr. *O'Malley.*] And the Hertford Arms as well?—Yes.

5606. *Chairman.*] It was necessary to show a circular before you could enter into either of those meetings, was it not?—It would appear so by what I saw on the circular to-day, but it was not to my knowledge there before; I do not recollect it.

5607. However, there is such a notice on the circular which you have read?—Yes, but I do not think it was acted up to as far as I heard; I think any friend that was willing to come could come.

5608. Mr. *O'Malley.*] They were intended to be not general meetings, but meetings of the supporters of Mr. Verner?—Yes.

5609. And these things, I suppose, were addressed, as far as could be, to the supporters of Mr. Verner?—Yes.

5610. And they brought that to show that they were persons to whom that was addressed?—Yes.

5611. As far as you know, there was no restriction on anyone coming in?—I was not aware of it.

5612. You were asked about a man of the name of Alister; was that Alister in the service of Mr. Richardson, who was the candidate?—Who was the candidate at the last election.

5613. You say that you found that Alister had come of his own accord, as you understood, to seek protection?—Yes.

5614. Being a servant of Mr. Richardson's, you apprehended it would give offence to your cousin; was that so?—Yes.

5615. And was it because you were afraid it would offend your cousin to give that protection to his servant that you wrote to him?—Yes.

5616. You wrote to him as a gentleman to a gentleman?—Yes.

5617. Was that letter of your own an official letter or a private letter?—I considered it quite a confidential letter.

5618. Writing that letter to your cousin and a gentleman, did you ever expect that it would be brought up against you here to try and convict you of a falsehood in saying there was no committee?—Certainly not.

5619. Did you advise Mr. Moore to send the vote back?—Yes.

5620. Now as far as you know, or as far as you have heard, did you ever hear of a single voter being kept against his will?—Not one.

5621. You said, with respect to Stephenson's, you did not know whether they succeeded in rescuing the voters; did you mean by that that the voters were kept against their will?—No; they were taken in there, as I understood, for safety from the mob of butchers; they ran in there for safety.

5622. Was

5622. Was this one of the sort of things (*producing a club*)?—Yes; that is a similar club to that which I took to Mr. Orme.

5623. That you represented to Mr. Richardson and Mr. Orme had been brought into the town by Barbour's people, and they said they could do nothing with it. There was a cartload of them?—Yes.

Re-examined by Mr. *Clerk.*

5624. When did you see Mr. Crawley first in Lisburn before the February election?—I am not sure.

5625. Was it the day before the polling?—It might be the day before the polling, or the day before that.

5626. He is one of the gentlemen who you say constituted the legal committee?—He constituted one of Mr. Verner's legal gentlemen.

5627. When did you see Mr. James M'Clean first in Lisburn, the Belfast gentleman?—I met him coming out of Lisburn down to the train as I was coming to Belfast the day after the February election.

5628. That was the first time you had seen him there?—Yes.

5629. Now when did you first see Mr. Young (not Samuel Young, but the other Mr. Young) at Lisburn?—I do not recollect; it was some days before the election.

5630. Where did you see him?—In the Hertford Arms.

5631. Had he at that time been engaged to do anything at the election; did he come to be engaged?—I understood he was engaged. I had nothing to do with his engagement; I understood he was engaged.

5632. As an inspector of booths at the election?—I do not know what it was for.

5633. He was one of the legal committee, was he?—He was one of the parties that I was told were engaged on the part of Mr. Verner; I had nothing to do with the engaging of him.

5634. I want to know when you first saw him at the Hertford Arms?—As well as I recollect, it may have been some days before the election, but I really have not a distinct recollection of it; it is a long time ago.

5635. Did you see him more than once in the Hertford Arms before the election?—I am not sure.

5636. Did you see him upon any occasion in the Hertford Arms, except when he came to be engaged as an inspector of booths at the election?—I do not know what he came there for at all.

5637. Did you ever see him more than once in the Hertford Arms?—I am not sure.

5638. You have told this Committee that the voters went to Stephenson's for protection?—So I understood.

5639. Mr. Verner's address appeared on the 10th February, did it not?—I do not recollect the dates at all.

5640. He himself came into the town on the 10th of February. Will you explain to the Committee why on the 9th of February Mr. Verner's voters were taken for protection to Stephenson's when there was no candidate but Mr. Barbour?—It was understood that Mr. Verner was coming down.

5641. You have told the Committee that there was no address or statement published until the 10th of February; will you tell us why Mr. Verner's supporters were taken to Stephenson's on Saturday night, three days before Mr. Verner appeared in the town?—It was understood that Mr. Verner was coming in the town.

5642. Understood by whom?—All over the town.

5643. Had any public notice been given of it?—It had been circulated by Mr. Verner's friends.

5644. In what manner?—Personally, I suppose.

5645. By the gentleman who took the voters to Stephenson's?—I do not know who took the voters to Stephenson's.

5646. Now you have mentioned, or my learned friend mentioned to you, a mob of butchers; what day in the week in the month of February was the mob of butchers going about?—They were going about from the time Mr. Barbour's address came out, I understood.

5647. Do you mean from the commencement of January?—I think so.

5648. Mr. Bateson retired on the 18th January; that is proved: was there any mob of butchers in Lisburn from the 18th of January until the voters were taken for protection to Stephenson's?—I do not know.

5649. Did you ever see one?—No, I did not.

5650. Did you ever know of any mob in Lisburn until after those voters were taken to Stephenson's for protection?—There was no riot at Lisburn.

5651. Was there any mob in the streets of Lisburn until after the voters were taken to Stephenson's for protection?—I understood that the butchers were engaged before that.

5652. Was there any mob in the streets?—I was not in there at night; I do not know.

5653. Was any damage done to any house in Lisburn before the voters were taken to Stephenson's for protection?—I think not.

Examined by the *Committee.*

5654. You have told us that you were not chairman of the committee, but you have also told us that those circulars, having appended to them your name as chairman of the committee, were some of them issued after you had seen that it was so stated?—Yes.

5655. Did anyone come to ask you whether you were chairman of the committee?—No.

5656. The second meeting at which those circulars went out with your name appended was, I think, a week after you had called and found that it had been so stated without your consent?—Yes.

5657. Did you take any measures to explain to the inhabitants of Lisburn that you were not chairman of the committee?—No, I did not. I understood that when that circular was drawn up, it was a matter of no consequence, it was only to give an official appearance to it; and that I was wished to be chairman of the meeting, and it was to announce it in that way.

5658. You have property in Lisburn, have you not?—I have.

5659. Have you manufactories in Lisburn?—Yes.

5660. You were of course aware that during that time persons in your employ would have knowledge of this circular, stating that you were chairman of the committee?—Yes.

5661. But you did not think t necessary to take any steps to remove that idea?—No; I was told

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told it did not make any difference; it was only an official document.

5662. And you tell us this committee, of which you are represented as chairman, and of which the circular went out to your knowledge representing you as chairman, but of which you were not chairman, was merely a legal committee?—Merely a legal committee.

5663. Did you take any steps to inform the inhabitants of Lisburn that it was merely a legal committee?—No, I did not.

5664. You took no such steps?—No.

5665. You do not yourself live in Lisburn, I think?—No, I do not.

5666. You went to these rooms generally when you came in in the morning, and as you went back in the evening?—Yes.

5667. Were you ever in these rooms which you say were the legal committee-rooms (the committee of the solicitors) when there was nobody but the solicitors present and yourself?—Yes; I have gone in there and found no one but the solicitors.

5668. You generally found others?—Yes; generally there were a great many people there, friends of Mr. Verner, from Armagh and Belfast and other places.

5669. If you wanted to get any information with regard to the election you went there for it?—Yes.

5670. I think I understood you to say that these men were taken to Stephenson's for protection?—So I understood.

5671. But that a mob attempted to take them away?—Yes.

5672. In describing that mob, you said they went to rescue the voters.

Mr. *Cooke.*] He said the house was attacked, but he did not know whether the voters were rescued.

5673. By the *Committee.*] But if they went there for protection, what do you mean by "rescued"?—The butchers might have rescued them on their behalf; I meant they might have taken them away. The butchers would take them away from Stephenson's.

5674. The butchers would rescue them: on whose behalf?—On Mr. Barbour's behalf.

5675. I understood you to say that the mob who went there, went there for the purpose of rescuing them?—Yes; they having gone there for refuge.

5676. You mean to say that the mob would rescue them: for what purpose?—To take them away, that they should not support Mr. Verner.

5677. The men having gone there for protection from Barbour's voters, Barbour's mob went there to rescue them?—Yes.

5678. *Chairman.*] The intent of Stephenson's house failed, and it was not successful?—I do not recollect hearing whether any of them were rescued, but the house was damaged.

5679. Having stood this siege, those voters were taken from Stephenson's house to Belfast?—So I understood.

5680. Are you a magistrate for Lisburn?—No, I am not.

5681. Had you ever any application made to you by the friends of any voters to get them out of the houses in Belfast in which some of them were?—I had.

5682. What did you do in consequence of such an application?—I told them to go to the magistrates.

5683. Did you yourself go to the magistrates on the occasion, or only recommended the friends?—I only recommended the friends to go.

5684. You yourself did not think it was a case worthy of your interference?—I did not wish to interfere.

5685. Do you know Mr. David Beatty's handwriting?—I do, I think.

5686. Will you tell me if that is his writing (*handing a letter to the Witness*)?—Yes, I believe it is.

5687. Is that Mr. Beatty's handwriting (*handing another letter to the Witness*)?—I think so.

5688. By the *Committee.*] You have said that some persons came to speak to you about the friends of some persons that were at Belfast, about getting them back?—Yes.

5689. Who were they?—There was a man of the name of Williamson, and there were friends of a man of the name of Fryers.

5690. Who was it Williamson came to ask about? Was it Williamson came to you?—I beg your pardon; it was a father-in-law of Williamson, a man of the name of Cowdy. Williamson was in confinement at Barbour's.

5691. I understood you to say at Belfast?—No.

5692. *Chairman.*] I asked you whether the friends of any of the voters who were at Belfast came to you to ask you to enable them to get out?—I misunderstood you; no, not in Belfast.

5693. Did your answer apply to the friends of some of the voters who were, as the friends stated, kept by Mr. Barbour?—Yes.

5694. By the *Committee.*] Have you ever proposed any candidate before?—No.

5695. Have you been mayor?—No.

5696. Have you filled the position of chairman at public meetings on any occasions?—I have, but not often.

5697. Have you been requested, on matters of interest in the town, to take the chair?—Yes, I have.

5698. As a leading member of the community?—Yes; I have been applied to.

5699. And have you consented?—Not very often; it is a position I do not like.

5700. *Chairman.*] I think you said, in your examination-in-chief, that you were not aware that there was any treasurer?—I do not know of any treasurer.

5701. And I think you were then asked whether Mr. David Beatty was not treasurer?—Not that I know of.

5702. Who do you consider as Mr. Verner's confidential solicitor; his leading solicitor?—I think it was between Mr. Moore and Mr. Lucas Waring; I think Mr. Lucas Waring was the leading solicitor. Mr. Moore came down from Dublin to support him, I think; I understood he was his private solicitor in Dublin.

5703. Who took the most active part in the conduct of Mr. Verner's affairs?—Mr. Moore, I think so.

5704. I understood you just now to say that you thought that Mr. Lucas Waring was his leading solicitor?—He was considered the principal; but I think Mr. Moore did the most active work while in Lisburn.

5705. Then what did Mr. Lucas Waring do?—He was in consultation constantly with Mr. Moore.

5706. Was

5706. Was Mr. Lucas Waring always in the room at the Hertford Arms, or at his own office?—He had his own private business to attend to; I suppose he was not constantly there.

5707. And was Mr. Pennington at the Hertford Arms or at his own private office?—At the Hertford Arms; I saw him frequently at the Hertford Arms.

5708. More frequently than Mr. Lucas Waring?—Well, perhaps that; but they both had private business to look after.

[The Witness withdrew.

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Mr. Alexander Richardson was called in; and, having been sworn, was Examined by Mr. *Rodwell*, as follows:—

Mr. *A. Richardson.*

5709. *Chairman.*] You have not been in the room during the examination of any of the witnesses?—I have not been in the room before this.

5710. Mr. *Rodwell.*] Mr. Alexander Richardson, you are, I believe, the son of Mr. Richardson, of Lanbeg, the late Member?—Yes.

5711. Do you recollect Mr. Verner's arrival at Lisburn in the February of 1863?—I do.

5712. Did you some time shortly before the election receive a circular to that effect (*handing same to Witness*)?—I did.

5713. After the receipt of that circular, did you meet Mr. Verner and Mr. Crossley, Mr. Verner's land agent, or did you have an interview with them, or they came to you?—I think it was before I got this. I think both before and after.

5714. Do you recollect Mr. Verner and Mr. Crossley calling upon you, or being with you?—I do.

5715. Did Mr. Verner say anything to you?—He canvassed me in the usual way.

5716. What else did he say beyond your voting; what else did he ask for?—My vote and interest.

5717. What did you say to that?—I said I had not made up my mind, and did not wish to interfere in the matter.

5718. *Chairman.*] You told Mr. Verner you did not wish to interfere; then you did not promise to vote for him?—No.

5719. By the *Committee.*] I understood him to say, "I had not made up my mind, and did not wish to interfere"?—Yes; I had not made up my mind to vote, and did not wish to interfere.

5720. Mr. *Rodwell.*] Did you ask Mr. Verner with regard to his friends who were interfering; what did you say to Mr. Verner?—I asked Mr. Verner or Mr. Crossley, I do not know which, who were their friends, or who supported them.

5721. Do you remember the precise words you used?—I do not.

5722. What did Mr. Verner say?—I do not know whether it was Mr. Verner or Mr. Crossley I addressed.

5723. Who answered you?—I cannot say. I am not sure.

5724. *Chairman.*] One of them answers you; what answer did one of them give you?—One or the other showed me a paper.

5725. Mr. *Rodwell.*] Where did that paper come from?—Well, I am not sure. One asked the other who had it, or something to that effect; but I cannot say exactly how it came.

5726. Was the paper produced?—It was.

5727. Did it come from one of their pockets?—I believe so.

5728. What was said when the paper was produced?—I do not know exactly what was said; I merely inferred.

5729. Did he read any names?—I read myself.

5730. Did he give you the paper?—He did not.

5731. Were any names mentioned?—Yes.

5732. Give the names mentioned?—Mr. Beatty.

5733. Were their words mentioned by word of mouth?—I cannot positively say.

5734. Mr. *Cooke.*] Was it a letter or was it a memorandum?—I believe a piece of paper, as far as I recollect.

5735. Mr. *Rodwell.*] Before the paper was pulled out, do you recollect anything being said of one of them?—I cannot say that I do remember anything particular.

5736. Anything that was not particular; what was it?—I asked them the question, who was supporting them? who were their friends? and they showed me the paper; Mr. Crossley or Mr. Verner did so.

5737. And did they give you the paper to see?—I believe I had it in my hand.

5738. Did you read the names out?—

> Mr. *Cooke* was heard to object that the contents of the paper could not be given in evidence.
>
> Mr. *Rodwell* was heard in reply.
>
> The *Chairman* stated that the Committee were of opinion that the witness could not be asked the contents of the paper.

5739. Mr. *Rodwell.*] That paper was put into your hand; after you read the paper, what did you say to Mr. Verner or Mr. Crossley?—I said that some of them had been on my father's side and some against him.

5740. Did you mention any names?—I think I mentioned Mr. Jefferson's name, to the best of my recollection

5741. What did you say about Jefferson?—That he had been on my father's Committee.

5742. *Chairman.*] Was it Redmond Jefferson?—Yes.

5743. Mr. *Rodwell.*] Did you mention any other name?—I do not remember.

5744. Was anything more said about Mr. Redmond Jefferson by Mr. Crossley or Mr. Verner?—I believe Mr. Crossley said he understood he was a good hand at electioneering, or something of that sort.

5745. What else?—I do not know anything else.

5746. *Chairman.*] Whom did you understand him to say was a good hand at electioneering?—Jefferson.

5747. Mr. *Rodwell*] Did you ask any other question with reference to any other parties or with regard to the management of money matters, and so on?—I do not remember positively anything.

5748. You do not recollect the precise word?—I do not recollect the precise words or precise meaning.

5749. Were

Mr. *A. Richardson.*

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5749. Were you told who the managing man was?—No.

5750. Or who was the managing man in money matters?—No.

5751. And you cannot give any more precise information than you have given now?—I cannot.

5752. And the only name you recollect mentioning or being mentioned on either side was Redmond Jefferson's?—That is the only name I am positive of.

5753. When Mr. Crossley or one of them said he was a good hand at electioneering, what observation had you made to lead to that remark?—I do not remember.

5754. *Chairman.*] Did not Mr. Crossley say that after you had remarked to him that he had been on your father's Committee?—Yes, it was after.

5755. Then you said he was a good hand at electioneering?—Yes.

5756. Mr. *Cooke.*] I suppose he had been taught electioneering in a good school under your father?—He was against my father the election before that.

5757. Oh, very well, any way you like.

5757.* By the *Committee.*] Did you ever go to the Hertford Arms during the February election?—I never was in Lisburn except once, driving through it during the time of the election, the time of the poll when I went to vote.

5758. You said you received a circular; did you go to the meeting?—I did not.

5759. *Chairman.*] For whom did you vote?—In the first election for Barbour; in the second I did not vote at all.

5760. You did not vote at all in the election of June?—I did not.

5761. Where did Mr. Verner and Mr. Crossley call upon you?—At my father's house.

5762. At your father's house at Lanbeg?—Yes.

5763. Then you never were in the town of Lisburn until you went up to poll for Mr. Barbour, in February?—I was not

[The Witness withdrew.

WILLIAM JOHNSON was called in; and, having been sworn, was Examined by Mr. *Clerk*, as follows:

W. Johnson.

5764. WHAT is your name?—William Johnson.

5765. Are you a printer?—I am.

5766. Where do you carry on business?—In Lisburn.

5767. Now, prior to the election in February, did you ever see Mr. David Beatty?—See him?

5768. Yes?—I did.

5769. Did he give you any orders with regard to printing?—He did, at the February election.

5770. By the *Committee.*] Is this any relation to the other witness?—No.

5771. Mr. *Clerk.*] Had you some orders for printing?—I had.

5772. What was it you printed?—I printed a poster and circular.

5773. Did you print that circular (*handing paper to Witness*)?—Yes, I did.

(The circular was put in, and read as follows:—)

"Lisburn Election, 150.

"Committee Rooms, Hertford Arms,
"12 February 1863.

"Dear Sir,—

"YOU are requested to attend a meeting of Mr. Verner's supporters on to-morrow evening at Mr. Adam M'Clure's house, Market-square. Chair to be taken at eight o'clock.

"I am, dear Sir, yours faithfully,
"(signed) *Jonathan Richardson,*
"Chairman of Committee."

"Please produce this circular at the door."

5774. How many of those did you print?—150.

5775. Who gave you the order to print these?—Mr. Beatty gave me the order about this printing.

5776. David Beatty, the tanner?—Mr. David Beatty.

5777. To whom did you send in your account?—To Mr. Beatty.

5778. Were you paid?—I was.

5779. By whom?—I sent the account to Mr. Beatty and he told me he was not authorised to pay directly, but that the money would come through Mr. Irwin.

5780. *Chairman.*] Was this Mr. Cromlin Irwin?—Mr. Irwin, he said; however it came through Mr. Lucas Waring, of Lisburn.

5781. Mr. *Clerk.*] How much were you paid? 2 *l.* 2 *s.* 6 *d.*

5782. *Chairman.*] Is not that your receipt (*handing same to Witness*)?—That is it.

5783. Was that the bill you sent in previously?—It is.

5784. Is that Mr. Beatty's handwriting on that bill?—It is.

5785. Mr. *Clerk.*] 2 *l.* 2*s.* 6*d.*?—Yes.

5786. What other things did you print besides those circulars?—I printed cards ordered by Mr. Moore, who was, I believe, connected with the election.

5787. Are these included in the account?—They are.

5788. Is the 2 *l.* 2*s.* 6*d.* the whole of the account you had at the February election?—The items are not given in that account. I sent the account first some time before payment was made, and we furnished accounts "to accounts furnished." The items I charged in the first account sent to Mr. Beatty.

5789. By the *Committee.*] You sent the two accounts to Mr. Beatty?—I sent the detailed account—what you call an invoice.

5790. What we have here is "a bill delivered"?—Merely a summary of the detailed account—the invoice.

5791. Mr. *Clerk.*] Did you print from that document a circular?—I did not print a circular, but a poster.

5792. Whose handwriting is on that document?—Mr. Beatty's.

5793. Mr. David Beatty's? Read it—The Witness read as follows:—

"Electors

"Electors of Lisburn.

"Take notice. I have this morning received from Mr. Walter Stannus a telegram stating that—

"The notice signed M. J. Smith, Henry Major, Robert Kennedy, is not authorised by Lord Hertford.

"Publish this.

(signed) "*Davis Beatty.*"

"Lisburn, Friday morning."

5794. Was the charge for printing that poster included in the account for the 2*l.* 2*s.* 6*d.*?—It was.

5795. Now is that the document you received for which you printed the circular (*same was handed to the Witness*)?—Yes; the manuscript of it, and my order to print them.

5796. Who gave that to you?—I cannot say positively who gave it into my hand, but I understood it came from Mr. Beatty.

5797. Do you know the handwriting?—No.

5798. Have you any belief as to the handwriting?—I know nothing as to the handwriting.

5799. Was this account sent in on 25th July?—I believe so.

5800. Very well; but was that for printing done at the time, or the February election (*handing paper to the Witness*)?—For printing done for the February election.

5801. Had you sent an account previously?—I had.

5802. I see it is "to account rendered?"—An invoice.

5803. *Chairman.*] And the account sent in previously contained the items of which that is the whole?—Decidedly so.

5804. You were not paid, I see, until August the 21st?—It was a considerable time after, therefore I furnished the accounts a second time.

5805. Then you did not send in any reminder of the February account until July—until after the June election?—Mr. Beatty was a proper and solvent man, I thought.

5806. And worth 2*l.* 2*s.* 6*d.*?—Worth 2,000*l.*

5807. Mr. *Clerk.*] I will put that in. Did you send in an account for 9*s.* 6*d.*?—No; not that I remember, to the best of my knowledge and belief.

5808. Is there any other Johnson a printer at Lisburn beside yourself?—None.

5809. I understood you that you sent no account, nor were you paid any sum of 9*s.* 6*d.* for the February election?—Nothing except 2*l.* 2*s.* 6*d.*

Cross-examined by Mr. *Cooke.*

5810. You were a supporter of Mr. Barbour's?—I had no vote, and was not an elector at the time.

5811. By the *Committee.*] I see, Mr. Johnson, that in these accounts (the first), July the 25th, you make it out, "The committee of E. W. Verner, Esq., M.P., *per* David Beatty, Esq." Is that your handwriting?—It is.

5812. What induced you to make it out to the committee?—I understood it was a committee in every case of election; I had not very much experience.

5813. Were you told such a committee was not a local committee, but a committee of lawyers?—I was never told anything on the subject at all.

5814. By putting in "*per* David Beatty, Esq.," what did you mean to do?—To make him responsible.

5815. *Chairman.*] Did you receive the order through him?—Yes.

5816. By the *Committee.*] Did you mean to make him responsible for the committee?—For the money.

5817. Why did you say "The committee, *per* David Beatty, Esq."?—Because I understood there was a committee.

5818. And did you understand there was such a committee?—Yes.

5819. And you never were told it was a committee of solicitors?—Never heard a word.

5820. Were you ever told that Jonathan Richardson was never a member of that committee?—No.

5821. By the *Committee.*] In incurring this money, who did you think was responsible to you for it?—I considered that the money would come from a committee; but from Mr. Beatty, in case there was any objection to my receiving the money that way, he would be responsible directly to myself.

5822. Had you any one but Mr. Beatty responsible?—None; I considered him only responsible, in case I should have to apply to a court of justice for the recovery of the amount.

5823. I see you made it out again on August 21st, "The committee of E. W. Verner, Esq., M.P.," without putting the words "*per* Mr. Beatty"?—I did not consider it necessary to follow the same form in both cases.

5824. Can you give any reason why you put "the committee" in one case, and "committee, *per* David Beatty" in the other?—I had no idea that the money came out of Mr. Beatty's pocket; I did not know much of elections, but understood it came from some one acting on behalf of Mr. Verner.

5825. Did you go into the Hereford Arms before the election of February?—I did not.

5826. *Chairman.*] What caused you to make out a third bill on the 23d August?—I did not think there was a third bill.

5827. You sent him one first of all with the items. Then there was a reminder on 25th July, and there is a third dated Lisburn, 21st August. What led you to send in a third account?—To remind Mr. Beatty the account was still due.

5828. Was that your object in sending it?—I was directed to send the account to Mr. Waring, which I did, and that the money would come through another channel; Mr. Irwin was mentioned.

5829. Had you any personal communication with Mr. Beatty about the payment of this account?—He came personally and told me payment would be made through that source, and certified that the amount was correct. I did not know who was to pay; I only wanted the money.

5830. You say Mr. Beatty certified the account was correct; how do you know that?—He took out his pencil and wrote his certificate at the bottom.

5831. Did he write it in your presence?—Yes.

5832. Was that what he wrote in your presence (*handing paper to the Witness*)?—Yes.

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5833. By the *Committee.*] Mr. Beatty gave you the order to print; Mr. Beatty told you the committee would pay?—No, he did not mention it.

5834. From whom did you hear that the committee would pay?—I did not hear from any person that the committee would pay.

5835. With respect to payment, what did Mr. Beatty tell you?—In the ordinary course of business I took the order from him, as being solvent, and I expected he would see that I was paid.

5836. You took it from him; but when was it he wrote on the bill that it was all right?—I asked him several times about the payment.

5837. And when you asked him, what reply did he make?—He said the money would come through Mr. Irwin, and then he told me to apply to Mr. Waring.

5838. But was that the reason why you made out the bill to the committee of Mr. Verner?—I did; but the reason I cannot tell you.

5839. *Chairman.*] You made the bill, in the first place, as you would make any other bill, without instructions from any body?—Yes.

5840. Then the subsequent instructions you received were from Mr. Beatty, that it would be paid through Mr. Lucas Waring?—Yes.

5841. And that you were to get it through Mr. Cromlin Irwin?—Yes.

5842. And you thought there could not be an election without a committee?—I never heard of such a thing; I made out Mr. Barbour's account to the committee, and was paid in the usual way.

5843. By the *Committee.*] I see on July the 25th you make out the account to the committee of Mr. Verner, *per* David Beattie, Esq., and get a memorandum signed by Mr. Beattie, directing it to Mr. Waring; did you send the third bill to Mr. Beattie?—I know it went to Mr. Waring.

Mr. *Clerk.*] It is in evidence that Mr. Waring paid it.

By the *Committee.*] But not that he sent it to Mr. Waring.

[The Witness withdrew.

Mr. Cromlin Irwin was called in; and, having been sworn, was Examined by Mr. *Clerk*, as follows:

Mr. *C. Irwin.*

5844. Mr. Cromlin Irwin, I believe you are a retired solicitor?—I was a solicitor 20 years ago.

5845. Did you act as agent for election expenses at the February election for Mr. Verner?—Yes.

5846. Had you ever acted for any one in that capacity before?—No.

5847. Did you also act for Mr. Verner at the June election?—I did.

5848. I suppose you made a declaration before the auditor, under the statute, as to returning an account of all the payments made by you?—As well as I recollect what I did at the first election was, that I said I should not pay any moneys illegally, nothing more than what were the legal charges; I do not think I swore on oath; the second time I was chosen I did not know of it for a time after; I suppose the friends of Mr. Verner thought as I acted for one I would do so again.

5849. After the February election, did you give to the election auditor an account of all bills paid by you and claims sent in?—When I was asked to act, Mr. Waring said that he would do all the necessary work for me, and I really did nothing in the matter at all; I did not pay any money at all the first election.

5850. Did you receive any bills or claims of Mr. Verner after the election?—No; my name was merely used nominally.

5851. And you sent in no claims nor accounts, and no list of payments to the election officers?—Mr. Waring did it for me, and told me he gave everything to the auditor, Mr. Stephenson; everything was done for me.

5852. By the *Committee.*] Waring did it for you?—Yes.

5853. *Chairman.*] Mr. Waring told you. In the first place you authorised Mr. Waring to act for you, and Waring told you he had sent in all the claims, bills, and accounts?—Yes, to Mr. Stephenson.

5854. Mr. *Clerk.*] And they were never shown to you before they were sent in?—I never saw them at all.

5855. And you being appointed the election agent for expenses under the statute, I understand you that you do not know what account of expenses was sent to the auditor?—I do not; I never saw the account.

5856. What duties did you discharge as agent for election expenses at the February election?—None.

5857. Now we have got to duties not discharged. Did you give any orders yourself at the February election?—In what way?

5858. Did you give any orders for refreshments at the February election?—I gave orders. You must ask me in some way more explicit or I must explain it to the Chairman. I did not give any orders to any voters.

5859. *Chairman.*] Did you give any orders for refreshments?—I gave orders for my labourers who were going to Lisburn, and I gave them a holiday, and my land steward, Mr. M'Gill, asked me to give them some refreshments as they were going in. It is about four miles from the town where I lived. I said they might have some, and he asked me for some order for a public-house, and I said, as well as I recollect (I have no copy of the paper it was written on), but it was "Give refreshments to whoever William M'Gill may bring with him."

5860. Mr. *Cooke.*] Where do you live?—At New Grove.

5861. Where is it?—Four miles from Belfast and three and a half from Lisburn.

5862. Who is your land steward?—William M'Gill.

5863. And who is the person who was to give refreshments to some of your people?—Joseph Mateer; he keeps the public-house.

5864. *Chairman.*] The public-house in Lisburn?—In Gardener's-lane, about three miles from Lisburn.

5865. Mr. *Clerk.*] Will you see if this is the order you gave (*handing paper to the Witness*)?—It is my hand-writing. (*The paper was then put in, and read as follows*):—

"William

"William Mateer will please give bearer what refreshments he may require for the men he may have with him.

(signed) "*C. Irwin.*

"New Grove,
"21 February 1863."

I think I gave it the night before the election.

5866. It is dated the 21st of February?—It was the night before the election, I believe.

5867. Did you ever give this man an order for refreshments before?—Never.

5868. Did Mateer afterwards send you in his account?—He sent an account for 16*l.*, which I refused to pay.

5869. Is that the account?—I cannot swear to the account; I cannot say.

5870. Is William M'Gill your land steward?—Yes.

5871. Do you know his hand-writing?—I think I would, but I do not know.

5872. Just see if this is not certified by him (*handing a paper to the Witness*)?—I cannot say, but I won't say it is not his hand writing.

5873. Have you any doubt?—He told me himself he had signed it. (*The following account was then put in*):—

"*Cromlin Irwin*, Esq., to *Joseph Mateer.*

"To Refreshments for 300 men, or thereabouts - - - - 16*l.* 12*s.* 7*d.*

(signed) "*William Magill.*

"Ballyaughless,
"21 February 1863."

5874. Were proceedings taken by Mateer to enforce payment?—Before I answer any more questions, will you allow me to explain the circumstances under which the order was given.

5875. Were any proceedings taken by Mateer?—No.

5876. Were any applications made to you by anybody but Mateer for payment?—Mr. Kennedy threatened me with an action if I did not pay it.

5877. Mr. *Clerk.*] Here is the account; was the account brought to you?—I looked at the account; the item was 16*l.*; but I could not say that is it.

5878. You told us Magill signed the account; is that it; it is signed?—William Magill said he had signed the account, but I do not know that is it.

5879. You may take it that it is so; is that the account signed by William Magill; do you know, or not, William Magill's handwriting?—I do not know that it is his handwriting; I never saw him write his name.

5880. Did Mateer ever threaten to take proceedings unless you paid him for refreshments provided for the 300 men?—I was threatened by an action by a solicitor, of which I took no notice.

5881. Did not Mateer threaten you?—He did through an attorney.

5882. Did he not personally?—He did.

5883. Why did you say the solicitor, and not him?—I thought it was better.

5884. Mateer told you he would bring an action, and you received an application from Mr. Kennedy?—I am not sure that Mateer ever did tell me he would make an application, but I received a letter from Mr. Kennedy.

5885. I asked you just now whether Mateer threatened you with proceedings, and you said he did?—I cannot bring to mind whether he threatened me with proceedings.

5886. Did you tell Mr. Beatty of it?—No, I did not tell him; but Mr. David Beatty heard of this action, and wrote to me about it; Mr. Beatty would be aware of it. He was aware of the account being sent in to me.

5887. Did you not tell Beatty to let Kennedy know the matter would be settled?—I did not.

5888. Mr. John Kennedy?—No, I did not.

5889. What communication had you with Mr. Beatty on the subject of this account?—I cannot answer that question without telling you a long story.

5890. You may tell the long story?—It was when the account was first brought to Mr. Kennedy that a hubbub was raised about the account in this way; then he or Mr. Waring asked me what is it these people are talking about with regard to you, and I then told him he had furnished me with an account, and threatened me with an action if I did not pay. I did not go to Mr. Beatty in the first instance, but having heard by report, he asked me about it, and I told him the circumstances; I had no previous conversation with Mr. Beatty.

5891. What was the limit upon the order for refreshments you gave Mateer, to supply refreshments to the bearer and men, and was the limit to the number of men who might get refreshments?—There were 12 of my men, or 14, I cannot tell which, and some of the neighbours, but not more, I expected to go with my land-steward. Where Mateer lives is a cross-road, and he thought to make a good thing for himself, and gave refreshments to everybody coming there on the faith of that order, and everybody coming home that night. I expected, when I gave the order, I should have to pay about 14*s.* or 20*s.* for the men who got a holiday; but when I got such an account as that, I said it was monstrous, and I would not pay such a sum of money, and if he chose, upon his own responsibility, outside of my order, to give such a lot of stuff, I would not pay it. The stuff he gave to Magill on my order I would pay for. Subsequently he wanted the whole of his first account to be paid by Mr. Verner. I told him, in the presence of the steward, I had nothing to do with Mr. Verner, and would have nothing to do with it, and I was willing to pay what I promised to pay him myself. I told him to go out of my office, and I intended seeing the way he gave the stuff outside the order, and without my knowledge or direction, to tell him that he might mention the matter to Mr. Verner's friends, and if they chose they might pay him, but I would not.

5892. If they chose to pay it they might?—Yes. I am not sure whether it was before that he threatened the action that he came, or whether it was before or after June, I cannot say, but it was in the summer, and said, "here is Mateer come again;" and as he was going away I told him I should not enter into any conversation with him; and when he was walking away I asked him if he was sent by Barbour's party to pump me, and he said he was.

5893. Did you intend to pay anything to Mateer for the 12 or 14 men of your labourers, for whom you understood you were to pay?—I offered

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to pay, but he never would give me an account; he said he would have the whole.

5894. Were the 12 or 14 men voters?—Not one of them.

5895. What had they to do at Lisburn?—They went to see the fun, and cheer for Mr. Verner.

5896. Did you ever give an order to your men before to go to Lisburn?—I never did.

5897. *Chairman.*] Was Magill, your land steward, a voter for Lisburn?—He was not, nor were any of the party connected with him, to my knowledge; and I do not know any man who went except my own labourers.

5898. Has Magill ever explained the circumstances how so many people were refreshed?—He does not know it himself.

5899. Although you took no part of the duties of electioneering agent, did you go occasionally to the Hertford Arms?—Yes.

5900. Mr. *Clerk.*] What did you go there for?—I took an interest on the Conservative side, and being a Conservative I wished to see how the matter got on.

5901. Where did you go?—To the Hertford Arms Hotel.

5902. What part of the hotel did you go to?—I went to Verner's room.

5903. Is that on the first floor?—No, I think it is in the drawing-room.

5904. What flight?—One flight up.

5905. One flight of stairs?—Yes.

5906. Mr. *Cooke.*] That Mr. Kennedy who threatened proceedings was a relation of Barbour's?—He was; I don't know, but believe he is; I know a little about that.

2907. You were not frightened of them?—Not in the least; I was ready to pay my contract at any time I was asked.

5908. Did Mr. Lucas Waring give you any information about Verner's account?—I cannot recollect that he did.

5909. Did you ask him for any?—I never did.

5910. Did you think it was within your power to hand over to another solicitor the duties of your position?—Well, I cannot say whether I was right or wrong; I never did interfere in elections, and really I do not know what the duties of election are.

5911. Did you give Mr. Lucas Waring any particular instructions when you told him he was to act for you?—I did not tell him he was to act for me; he told me, when I undertook the office, I should have no trouble, and he was to act for me.

5912. Then, in fact, Mr. Verner's solicitor asked you for your name, and not for your services?—Yes, he asked me whether I had any objection to act for Mr. Verner, and I said no.

5913. Did you receive any application for Mr. Verner's account from Mr. Stephenson?—No, I do not recollect; I am not sure I did not; I had nothing to do with the account on the first election.

5914. You are not at all cognizant of the contents of that account, or how they were made out, or whether any vouchers were produced to Mr. Stephenson, or anything about it?—No.

5915. *Chairman.*] Did you sign any account of the election expenses in the month of February?—Not in February.

5916. Did you sign them in June?—Oh, yes, the June accounts.

5917. That is Mr. Waring acting for you in June?—Yes, he made up the accounts for me; I think I got all the vouchers sent to me by myself, but people sent the accounts to Waring, and he and I made out the accounts between us.

5918. What do you mean by signing vouchers to yourself?—Not vouchers; but many of the people sent their accounts to me, and some were sent in, I believe, to Mr. Waring's self, but that account I can vouch for, I signed and passed before the sheriff, as I had everything to do with that account.

5919. But in the February account, you saw neither bills, vouchers, or papers, of any sort?—Nothing whatever; I hope I was not wrong.

Mr. *Clerk.*] That is not for me to say.

[The Witness withdrew.

DAVID M'NIGHT was called in; and, having been sworn, was Examined by Mr. *Clerk*, as follows:

D. M'Night.

5920. MR. M'NIGHT, are you a voter for Lisburn?—Yes.

5921. Are you a grocer living in Bow-street, Lisburn?—Yes.

5922. In the year 1862, and the beginning of 1863, were your affairs rather embarrassed?—Yes.

5923. And I believe at the last you had to compound with your creditors, to make some arrangement?—Yes.

5924. When was that; in the month of May?—The 13th May 1863.

5925. Did Mr. Henry N. Smith, of Dublin, act as your solicitor?—Yes.

5926. Did your creditors attend at that meeting, in May; where was it held; in Lisburn?—The meeting was called to his office.

5927. In Dublin or Lisburn?—In Belfast.

5928. Whose office; Smith's?—Yes.

5929. Were you there?—Yes.

5930. Did your creditors attend?—Part did.

5931. Do you know Thomas R. Pelan, of Lisburn?—Yes, I do.

5932. What is he?—He is a woollen draper.

5933. Was he a creditor of yours in the month of May?—Yes.

5934. Had you Mr. Pelan's name put down on your list of creditors, for 10 *l.*; look at that list, at the bottom name?—

5935. *Chairman.*] Is that a list of your creditors?—Yes.

5936. Mr. *Clerk.*] Is his name down for 10 *l.*?—Yes.

5937. Was Mr. Pelan present at that meeting of creditors?—Yes.

5938. Was there a discussion, or did Mr. Pelan say anything about his name being put down for 10 *l.*?—Well, I do not remember that.

5939. Now, did Pelan claim that you were indebted to him 40 *l.*?—Yes.

5940. Had Pelan advanced you 40 *l.*?—Yes.

5941. When was that?—Well, I have not the exact date; it was to lift acceptances.

5942. But about what time?—It was some time in February, or about the commencement of March.

5943. Was it not just before the February election?—It was about that time: I have the dates in my little book at home.

5944. Have you any doubt it was about the time of the February election?—None.

5945. Now did Pelan ask you to vote for Mr. Verner,

Verner, at the February election?—He asked who I was intending to vote for; I said I would undoubtedly vote for Mr. Verner.

5946. Did you see two 20 *l.* notes, Mr. M'Night?—No.

5947. Did he give you any money at that time when he was asking you to vote for Verner?—None.

5948. Did he give you any money in the month of February?—Not a penny.

5949. Did he give you any notes?—No notes.

5950. What did he give you?—I borrowed cash.

5951. What cash did you borrow?—I borrowed two 20 *l.*

5952. *Chairman.*] At the same time or two different times?—Two different times.

5953. Mr. *Clerk.*] You borrowed altogether 40 *l.*?—Yes.

5954. You returned him in that list of creditors for ten pounds?—Yes.

5955. Did Mr. Pelan claim 40 *l.* from you?—Yes.

5956. What did you say at the meeting of creditors as to what Pelan said you were indebted to him; 40 *l.*, and not 10 *l.*?—I submitted the case to Mr. H. N. Smith. My estate would not pay 20*s.*

5957. You had returned Pelan as a creditor for 10 *l.*, and you tell the Committee you had borrowed 40 *l.*; why did you put him down as a creditor for 10 *l.* only?—The estate would not pay 20 *s.* It being borrowed cash, I thought it honest to pay him in cash what the estate would pay before it would be thrown into bankruptcy.

5958. Did you only put down one-fourth of all you borrowed of Pelan?—I did.

5959. Did you deal the same with the other creditors?—I offered the other creditors 10*s.*; they would not accept.

5960. But when you put their names down in the list, did you deduct three-fourths from their claims, as you did from Pelan's?—I did not.

5961. Will you tell the Committee why, having borrowed 40 *l.* in cash of Pelan, you only returned him as a creditor for 10 *l.*?—I thought it honest to pay him in cash what the estate would allow.

5962. But why was it more honest to put him down for 10 *l.* when you had borrowed 40 *l.*, and the others the full amounts of their debts?—The estate would not pay it.

5963. Very good. And therefore your meeting of creditors was called to see how much you would pay to them all?—Yes.

5964. Why did you put Pelan down for 10 *l.* only, having borrowed 40 *l.*, and put down the others for the full amount of their debts?—It may have been a mistake.

5965. Did you tell the creditors you had given good consideration to Pelan for the 30 *l.*?—No.

5966. At that meeting?—No.

5967. You swear that?—I do.

5968. Now Pelan said at the meeting you were indebted to him in 40 *l.*; what answer did you make to that at that meeting in Belfast?—I do not remember it.

5969. You put everybody else down in full, and Pelan, to whom you owed 40 *l.*, you put down for 10*l.* That is so, is it not?—I made a mistake in not putting Pelan in for 40 *l.*

5970. Was Mr. Robert Kennedy one of your creditors?—Yes.

5971. Was he present at this meeting?—He was not.

5972. Were there more meetings than one?—Yes.

5973. *Chairman.*] Which meeting was this?—This was the first.

5974. By the *Committee.*] The 19th of May?—The 13th of May.

5975. Mr. *Clerk.*] Was there another meeting afterwards, on the 18th of May?—Yes.

5976. Was Mr. Robert Kennedy there?—Yes, I think he was.

5977. Mr. George Pelan?—Yes.

5978. Messrs. Brownlee?—Yes.

5979. Thomas R. Pelan?—Yes.

5980. James Frayer?—Yes, he was there.

5981. And someone for Mr. David Rodney?—Yes.

5982. Was Mr. Kennedy in the chair at that meeting of creditors?—Yes.

5983. Was a statement of your debts submitted to that meeting?—Yes.

5984. In that statement was T. R. Pelan's name inserted as a creditor for 10 *l.* only?—I am not certain.

5985. But look at that list (*handing a list to the Witness*); was that list of creditors before the meeting?—Yes, it was; but he should be returned for 40 *l.* (*The same was handed in, and read as follows:*)—

"*In Re* D. M'Night's Affairs—List of Creditors.

	£.	*s.*	*d.*
" John Hanna, Ballynahinch - -	7	2	10
" Messrs. Garrett & Co., 106, Thomas-street, Dublin - - - -	71	2	4
" Messrs. Lalor & Sons, No. , Spital-fields, Dublin - - - -	83	10	11
" James Frayer, Great Edward-street, Belfast - - - - -	6	18	–
" Wm. Dobbin, North-street, Belfast	3	15	–
" Robert Ireland, Ann-street, Belfast	32	7	11
" Thos. Hume (Executor of late Mrs. Hume), 19, Mary-street, Belfast	12	7	–
" John Caruth, North-street, Belfast	11	–	–
" John Lyth, North-street, Belfast -	11	16	–
" Ann Murray, Arthur-street, Belfast	16	14	9
" John Dysart, Hill-street, Belfast -	7	7	3
" John & William Brownlee, Millers, Lisburn - - - - -	8	16	3
" R. D. Hutchinson, 43, South George-street, Dublin - - - -	26	6	4
" Messrs. Wildridge, London - -	25	–	–
" J. K. Green, Bow-street, Lisburn -	13	5	–
" George Pelan, Lisburn - -	11	10	7
" R & J. Kennedy, Mills, Lisburn -	15	10	–
" R. Frayer, Ballinderry, Lisburn -	50	–	–
" Jas. Blackburn, Mill-street, Belfast	10	15	–
" J. A. Rankin, Skipper-street, Belfast	15	1	7
" — Smyth, Lisburn - - -	1	5	–
" W. N. Blow & Co., Rosemary-street, Belfast - - - -	1	–	–
" T. R. Pelan, Bow-street, Lisburn -	10	–	–
	£. 502	11	9

5986. At that meeting of creditors, at which Mr. Kennedy was in the chair, did you state that you had given T. R. Pelan full consideration or full value for 30 *l.*?—No.

5987. What did you say about it?—Well, I cannot recollect thoroughly.

5988. Was there a conversation about it?—Yes.

5989. Did T. R. Pelan still claim to be a creditor for 40 *l.*?—Yes.

5990. What explanation did you give, if any, for

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for your having put him down for 10*l.* when you owed him 40*l.*?—I gave none.

5991. Now, sir, do you mean to say you did not state at the meeting of creditors that you had given full value for the 30*l.*?—I do.

5992. I put the very words we allege you used. Did you not say it was as fair a bargain as was ever made between man and man?—I did not. I saw that appear in the "Whig" newspaper next day. I did not say it.

5993. Did you say anything to that effect?—I said there was an understanding; that was all I said.

5994. What was the understanding to which you referred?—That was just what I said.

5995. What was the understanding? You said there was an understanding; what was it?—That I was to vote on the same side that——

5996. *Chairman.*] Well, go on; what was the understanding?—To vote for Mr. Verner.

5997. With whom was this understanding?—I was asked by Pelan who was I intending to vote for; and I said Mr. Verner.

5998. Mr. *Clerk.*] What had that to do with the understanding as to the 30*l.*?—Nothing whatever.

5999. Then you said, a minute ago, that Pelan said he ought to have been put down for 40*l.*; you said there was an understanding: what was the understanding about the 30*l.* being omitted; we will have it out?—That understanding was that I was to vote for Mr. Verner.

6000. Was that the reason why you did not put him down for 30*l.*?—No.

6001. What was the reason why you did not put him down for 30*l.*?—It was a mistake.

6002. You did not say it was a fair bargain as between man and man, but an understanding; when you told the creditors there was an understanding, what did you mean?—That I was to vote for Verner.

6003. Then you told the creditors you did not put him down for 30*l.* because there was an understanding you were to vote for Verner?—Verner?

6004. What did you mean?—I was to vote for Mr. Verner.

6005. What had that to do with the understanding you mentioned to the creditors?—Nothing.

6006. Why did you tell the creditors you did not put him down for 40*l.* because there was an understanding?—Well, I daresay I was in error for doing so.

6007. You told the creditors you did not put him down for the full amount because there was an understanding; did you or did you not?—I do not remember.

6008. You said just now, not five minutes ago, that you told the creditors you did not put him down for the full amount because there was an understanding: was there or was there not an understanding; and was it for that reason you did not put him down for the 40*l.*?—It was not for that.

6009. Why had you not put him down for the 40*l.*?—It was a mistake on my part not to put him down for more.

6010. Why did you tell the creditors it was on account of an understanding?—(*No answer.*)

Chairman.] What is your answer? Answer the learned Counsel.

Mr. *Clerk.*] We are waiting for an answer.

6011. Why did you tell the creditors you did not put Pelan down for 40*l.* because there was an understanding?—I was in error for so doing.

6012. But what did you mean when you told the creditors that there was an understanding?—That I was to vote for Mr. Verner.

6013. How much cash had you actually borrowed from Pelan at this time?—£.40.

6014. Had you ever repaid him any?—No.

6015. And you owed him 40*l.* at this time?—Yes.

6016. Now, M'Night, when you said there was an understanding why you had not put him down for the full amount, what did Pelan say?—He asked me what I meant.

6017. What did you say; what explanation did you give?—I gave him none.

6018. Did the people there laugh?—Yes.

6019. They knew all about the understanding?—They did not.

6020. Did Pelan bring an action against you afterwards for the 40*l.*?—Yes.

6021. Did you defend it?—Yes.

6022. Did he go on with it?—No; I settled it.

6023. How much did you pay him?—I paid him 10*l.*

6024. Why? That was the understanding, was it not; you got 40*l.* and you paid him 10*l.*? Were you not promised 30*l.* to vote for Mr. Verner?—No.

6025. Did you pay the costs, or did Pelan?—I made a bargain to pay them.

6026. Did you pay them?—I did not.

6027. Have you paid the 10*l.*?—Yes.

6028. When did you pay the 10*l.*?—Before my estate was thrown into bankruptcy.

6029. When was your estate thrown into bankruptcy?—In the month of July.

6030. Is that your handwriting, Mr. M'Night (*handing a paper to the Witness*)?—Yes, it is.

6031. And this; is this your handwriting (*producing a paper to the Witness*)?—It is.

6032. Did Pelan ask you to settle the matter between yourselves and keep it out of court?—No.

6033. Did not you say that he had?—I went to him.

6034. Have you not said that Pelan asked you, on the 28th of May, to settle the matter between yourselves and keep it out of court?—I do not think I have said that.

6035. Have you written it?—I have; I wrote that to Mr. Smith, in Dublin.

6036. Would it be a riddle of the Barbourites to get you and Pelan to play it out in court; did Pelan ask you to settle?—He did not.

6037. Have you said that he did not?—I wanted it settled before it was thrown into bankruptcy.

6038. Did Pelan call on you on the 28th of May, and ask you to settle it out of court?—No.

6039. Now just read that (*handing a paper to the Witness*); you may take it now; do not be afraid of it?—I am not a bit afraid of it.

6040. Take it and read it to me?—It is not true.

6041. It is your handwriting, but it is not true?—It is a fact.

6042. Why did you say what was not true, Mr. M'Night?—I was wishful to have it settled.

6043. Would it have been great fun for the Barbourites had the case come into court?—It would.

6044. Why?—

6044. Why?—I am not aware.

6045. It would have been fun, but you do not know why; why would it have been fun?—To get two friends made enemies.

6046. Why should the Barbourites have cared about having this understanding brought out about the 30*l.*; why should it be fun for them?—Well, I do not know.

6047. When was it you gave Pelan the 10*l.*?—Before my estate was thrown into bankruptcy.

6048. Did you pay any of your other creditors before your estate was thrown into bankruptcy?—Yes.

6049. Which; have you paid Mr. Kennedy anything?—No.

6050. Hand me the list. Please say to whom you have paid anything besides Pelan?—I returned Wildridge, of London.

6051. What did you return them?—I returned them for 50*l.*

6052. What have you paid them?—I paid them in full; I paid Wildridge in full.

6053 Since that meeting of creditors?—Yes.

6054. Have you paid anybody else in full?—Well, I am not exactly aware till I see the list.

6055. When did you pay Wildridge?—Before July.

6056. Well, but you paid Pelan in May?—There is another gentleman I paid in full, Mr. Dobbin.

6057. *Chairman.*] Where does he live?—Belfast.

6058. How much did you pay him?—£. 3. 15.

6059. Was that in full?—Yes.

6060. Mr. *Clerk.*] Who else have you paid in full?—I paid Wooldridge in full. I paid George Pelan.

6061. In full?--No; he is returned for 11*l.* 10*s.* 7*d.*

6062. What did you pay him?—I paid him 7*l.*

6063. Now, when was it that Mr. Pelan asked you to vote for Verner?—Before the February election.

6064. When was it that the money was lent to you?—I borrowed the money from this gentleman on previous occasions repeatedly.

6065. When did you borrow the 40*l.*? You say there was one sum of 20*l.* and another of 20*l.*?—Yes.

6066. Were you paid in two notes, or cheques, or what?—I borrowed the cash; 10*l.* in notes and 10*l.* in silver.

6067. £. 10 in notes and 10*l.* in silver at one time; do you mean you got 10*l.* in silver? Where at?—At his pawnshop, up street.

6068. And where did you get the other 20*l.*?—I got it in the pawn-office at the same time.

6069. Did you get part in a cheque?—Not of the 20*l.*

6070. Did you get a cheque?—Yes.

6071. How much?—£. 20, but not that time.

6072. *Chairman.*] On one occasion you got 10*l.* in notes and 10*l.* in silver at the pawn-office; is Mr. Pelan a pawnbroker as well as a woollen-draper?—Yes.

6073. Then the second 20*l.*, making up the 40*l.* you got in the shop, was by a cheque?—Yes.

6074. Mr. *Clerk.*] Now, M'Night, how soon after the 10*l.* in gold and 10*l.* in silver did you get this?—It was nearly two months.

6075. *Chairman.*] When did you first of all borrow any money of any amount from Pelan?—It was in the month of December.

6076. How much did you get from him then?—I borrowed 20*l.*

6077. At the pawnshop; was that in December?—Yes, December of 1862.

6078. Well, then, when did you borrow any more of him, and where and in what shop did you receive it?—I borrowed of him in the pawn-office in 1863, February.

6079. Mr. *Clerk.*] How much?—£. 20.

6080. *Chairman.*] In what shape?—£. 10 in silver and 10*l.* in notes.

6081. When did you get the cheque?—It was in April. I think it was April; I am not exactly certain, but I believe it was April.

6082. Did you borrow any more money of him than those three sums?—No.

6083. Did you repay any of these three sums?—Yes.

6084. How much, and when?—I paid the first 20*l.* in full.

6085. When?—It was at Christmas, in the year 1862; that was the first borrowed cash.

6086. Mr. *Clerk.*] That you repaid?—Yes.

6087. Then you borrowed 20*l.* in February?—Yes.

6088. Was that owing in May?—Yes.

6089. At the time of the meeting of creditors?—Yes.

6090. *Chairman.*] And the 20*l.* you borrowed in April was owing in May?—Yes.

6091. Mr. *Clerk.*] Was there 20*l.* owing at the time of the election?—There was.

6092. Did you ask for 50*l.* in order to give your evidence here; did you ask Mr. Robert Kennedy when he asked you on this matter to give your evidence here?—No.

6093. Did you refuse to give evidence unless you got the 50*l.* or any other sum of money?—No.

6094. Did you write a letter to Mr. Kennedy on the subject?—

Chairman.] Which Mr. Kennedy?
Mr. *Clerk.*] The solicitor.

I did.

Cross-examined by Mr. *OMalley.*

6095. There was a John and Robert Kennedy, both uncles of Barbour; do you know that?—I dare say they are; I am not aware as to the relationship.

6096. Are they brothers?—Yes, I should think; I am not certain.

6097. If they are brothers, one is a relation, and it is admitted. I understand you to say you never did get any money from Pelan for your vote?—That is right.

6098. Or for the promise of your vote?—That is right.

6099. You tell us you borrowed 20*l.* in December, and repaid it?—Yes.

6100. Then you borrowed another 20*l.* in February?—Yes.

6101-2. That was all you borrowed previously to the election at all?—Yes.

6103. Then at the meeting of creditors which you spoke of you tell us Mr. Kennedy was in the chair?—Yes, the second meeting.

6104. *Chairman.*] Robert Kennedy; not the man you wrote the letter to?—No.

6105. Mr. *O'Malley.*] But Robert Kennedy was in the chair?—Yes.

6106. And upon your putting down, or handing him, or whatever it was, the name of Pelan for 10*l.*, Pelan insisted on 40*l.*?—Yes.

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6107. At that opening meeting; and when you said there was an understanding, he challenged you to say what the understanding was in the presence of that meeting?—Yes.

6108. Did he afterwards sue you for the amount?—He had sued before that.

6109. And these proceedings were continued after?—Yes.

6110. When you wrote to Mr. Smith the letter which is put into your hand, was that a letter from you to Mr. Smith as your attorney?—Yes.

6111. Conducting your matters for you?—Yes.

6112. It was to your attorney?—Yes.

6113. Now I ask you, did Mr. Pelan ever express to you any fear at all of this matter coming before a court in any proceedings?—He never expressed fear, but he told me he would keep from me every bit of settlement.

6114. A settlement with your creditors, if you did not pay the money?—Yes.

Examined by the *Committee.*

6115. What would have been the consequences if this matter had not been arranged before you were made a bankrupt, and your affairs inquired into under a fiat on bankruptcy?—I would have paid him.

6116. What would have been the consequence if you had not come to an arrangement with Mr. Pelan, and your affairs had been inquired into under the Court of Bankruptcy?—What would have been the consequence? It would have been no worse than it was.

6117. That is no answer. Is that the only answer you can give? That is not an answer; but is that the only observation you have to make?—Yes.

6118. Would the consequence have been that you would have been obliged on oath to state the circumstances under which that money was borrowed?—Well, I daresay it would.

6119. By the *Committee.*] You said you asked Mr. Kennedy for 50*l.* to give evidence here; what did you mean by that?—I did not say that.

[The Witness withdrew.

WILLIAM STEWART was called in; and having been sworn, was Examined by Mr. *Rodwell*, as follows:

W. Stewart.

6120. WILLIAM STEWART, do you live at Lisburn?—I do.

6121. You are a confectioner and baker?—I carry on the business.

6122. You are also a voter for Lisburn?—I am.

6123. Did you vote at the February election?—I did.

6124. For Verner?—I did.

6125. Do you know Stephenson's publichouse?—I do.

6126. Do you recollect going there some few days before the election?—I went there on Saturday night.

6127. On Saturday fortnight before the election?—The Saturday night before Mr. Verner came.

6128. What took you there?—Well, I was asked some time before would I vote for a Conservative, and I said I would.

6129. Who asked you?—Mr. Jefferson.

6130. Redmond Jefferson?—Yes.

6131. No one else?—Some other ones I cannot recollect.

6132. Was it in consequence of what Jefferson said to you that you went to Stephenson's?—It was.

6133. What time of the evening did you go to Stephenson's?—I think between seven and eight o'clock.

6134. Where did you go when you got there?—I went upstairs.

6135. Did you find the room pretty full?—Oh, yes.

6136. Of voters?—There were none in but myself when I went in.

6137. No voters but yourself?—No.

6138. Who were the other people?—Some came in after me.

6139. Who?—Charles Griffen and William MacDonald and William John Galway.

6140. Do you recollect seeing Gamble there?—I do; and Munce.

6141. Now the room got pretty full that night?—Well, it was a good many of us.

6142. Besides these people, were there other people (gentlemen) who kept going in and out?—I think people going backwards and forwards.

6143. Can you tell us who they were?—I saw Mr. Young.

6144. Was that Sam Young?—Yes.

6145. And who else?—Mr. Jefferson.

6146. Did you see them more than once in and out?—I could not say how often.

6147. What were they doing there?—I could not say; I did not ask or interfere.

6148. What did you see them doing?—I did not see them do anything except speaking to people backwards and forwards.

6149. Do you know what they were talking about?—No.

6150. Did they speak to you?—No.

6151. What did you do?—They were sitting there, and perhaps taking a glass of punch, and others were doing the same.

6152. You had a very jolly night there?—I think we did.

6153. You did not go to bed that night?—I did.

6154. At what time?—I could not just say the hour.

6155. Early in the morning; the small hours?—I could not just say what time it was.

6156. Had you a bedroom to yourself?—I could not say that; but I think another man lay with me.

6157. That is not important how you spent the night; but you stopped the night?—I did.

6158. Where did you spend the night the next day, Sunday?—There too.

6159. Comfortable too?—Yes.

6160. And Sunday night too?—Yes.

6161. Stopped until Monday?—Yes.

6162. What time did you leave on Monday?—Monday evening. I think we left in the middle of the day, but were kept back by the mob.

6163. But on Sunday and Monday, did you see Jefferson and Young there?—I did see them there.

6164. Did not Jefferson speak to you on the Saturday night?—Oh, yes, he spoke to me, and asked me if I would stop there.

6165. Was anything said to you about your vote?—He asked if I would vote for the conservative, and I said I would.

6166. Anything else?—Nothing else.

6167. Any hands held up, or anything of that sort?—Nothing.

6168. During the time you were there, did you pay for anything yourself?—I did not.

6169. You say that before you went to Stephenson's you had seen Jefferson?—No, I saw him after.

6170. No, before you went to Stephenson's?—Many a time before that.

6171. About your vote?—I cannot say I did about my vote; there was some talk backwards and forwards, and the like of that.

6172. You went to Belfast; who helped you, or did you see any one into the cars; was any one there?—I cannot say; there was a great mob.

6173. Were there any gentlemen who had been into Stephenson's inn, who saw you off in the cars?—I could not see, for the mob was so very great.

6174. You went to Belfast?—Yes.

6175. Where did you go first at Belfast?—To George Ingram's.

6176. How long did you stop there?—No time; we went straight to the Vine.

6177. Was Ingram's full?—I could not say; I could only see the door.

6178. You went to the Vine; how long did you stop?—From Monday night till Friday.

6179. Till the Friday week?—Oh, no, till Friday.

6180. When upon the Friday did you go to Vine?—We went, about six of us, to tea, M'Neill's, in Montgomery-street.

6181. At Belfast?—Yes.

6182. By whose direction did you go there?—I cannot say.

6183. Did you all of you go there, all six?—Yes.

6184. You cannot tell me by whose orders you went?—No.

6185. The names of the other five?—Charles Gribbins, William M'Donald, James Park, and Thomas Johnstone.

6186. Were these men voters?—They were.

6187. What was the last name you mentioned?—Thomas Johnstone, M'Donald, Charles Gribbins, James Park, and myself.

6188. William Currie?—Yes, exactly.

6189. Were they voters?—They were.

6190. All of them?—Yes.

6191. Who took care of you whilst you were there?—We just took care of ourselves.

6192. Did you order refreshments for yourselves?—We just got dinner and breakfast, and everything when we wanted it.

6193. Who paid?—I do not know, and made no inquiry.

6194. You did not take care of yourselves exactly; some unknown person took care of you?—I do not care a hap'orth for it.

6195. You paid for nothing, from Lisburn to back again?—I did not.

6196. When did you get back to Lisburn?—The morning of the poll.

6197. Where did you go to?—I think, Capt. Ward's.

6198. That is the tally-house or tally-room?—It was not the tally-room; the tally-room was in the market-house.

6199. I am not talking of the polling-place. You went to Colson Ward's?—Yes.

6200. Who did you see there?—I could not say.

6201. Tell me some of the Lisburn people you saw there?—I could not say, indeed.

6202. Who took you there to the poll?—Mr. Colby went over.

6203. He took you by the arm, did he not?—He walked with us straight across.

6204. Did you see Redmond Jefferson that morning?—I cannot say I did.

6205. Any time in the day, did you?—I think, in the course of the day.

6206. Where was it you saw him in the course of the day?—On the street.

6207. Did you speak to him?—No, I think not.

6208. Try and recollect then?—I did not.

6209. Did you see Sam Young?—Well, I did see him too.

6210. Did you speak to him?—No.

6211. Where did you see him?—Stopping about.

6212. On what business; election business?—Yes.

6213. Fetching voters?—Fetching people to the polling-booths.

6214. Did you see Moses Bullick?—I did.

6215. Do you recollect going with Bullick to the Hertford Arms?—Well, I think I had taken whiskey with Moses Bullick and several others that morning.

6216. The day of voting?—Yes.

6217. Did you go to the Hertford Arms?—No. We had too many to drink the first day of the polling.

6218. Did you go with Moses Bullick to the Hertford Arms?—Not that day.

6219. Any day?—Oh, yes, but not that day.

6220. What day did you go?—The last election, I was in there.

6221. I am talking of the February election?—I was not in with Moses Bullick at all the February election.

6222. Did you go into the Hertford Arms the February election?—I did not.

6223. Try and recollect?—I did not.

6224. It was the June election?—It was.

6225. Do you know James Spark?—I do.

6226. Do you recollect being with him at the Hertford Arms?—At the June election?

6227. No, the February election?—No, he was not with me there.

6228. Were you at Bannister's?—No, I was not; I was at Captain Colson's.

6229. Did you go to Bannister's at all?—I cannot recollect; I was moving about in the course of the day, and might have gone.

6230. Had you not some whiskey at Bannister's?—I think not; the place was partly closed up.

6231. I want to know whether on the day of polling you went to Bannister's house?—Well, I think I might or might not.

6232. You do not recollect whether you were there or not?—I do not.

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6233. Do you recollect seeing Mr. Beatty whilst at Lisburn on the election day?—I did, and saw him off.

6234. What was he doing?—The same business as the rest.

6235. What was that?—Election business.

6236. Who were the rest you referred to?—I do not know.

6237. Give the names you mentioned, Jefferson, Young, and Beatty, who were the rest?—There might be others, but I could not mind all.

6238. Could you not mind some?—I could not mind all, because I was moving about.

6239. So were they?—And they were about one business and I another; I was about, stopping about.

6240. What were you about?—I was anxious to know how the poll would go.

6241. And you saw them about?—Yes, and moving about.

6242. Did you see Thomas Pelan?—I am not sure about him.

6243. Did any one at any time say anything to you about money for your vote?—No.

6244. Or give you any money?—No.

6245. Did any one there hold up their hands to you?—No.

6246. Nothing of that sort?—No.

6247. Never had any promise?—Never had any promise.

6248. Not from Verner, or his agent, or anyone in Lisburn?—No.

6249. If any one said so it was untrue?—Any one may say as they like, but what I say is true.

6250. Have you ever said so?—I do not know, and the words come round.

6251. Did you say so, or something to that effect?—I never got anything, and could not say I did.

6252. Was money ever expected by you for your vote?—No; I was away at the time there was any money.

6253. It was before you went?—There was no mention of money I ever heard; I did not know who I was going to vote for when I left.

6254. What did you go there for?—Because a conservative was coming forward, and I intended to vote.

6255. Mr. Verner or anybody else?—Yes, I was as pleased with his name as any ones.

6256. Did you give a general promise to any one?—To people amongst ourselves.

6257. If you had not any money promised you or any offer, did you hear money matters talked of?—No.

6258. At Lisburn or Belfast?—No.

6259. Not at all?—No.

6260. Have you ever said you had?—I do not know whether I have or not; I cannot say I ever heard it much talked about.

6261. William John Knox, did you have any conversation with him?—I cannot say I had anything particular with him.

6262. A little about money with John Knox?—Never.

6263. Nothing particular?—Neither particular nor unparticular about money.

6264. You never spoke to anybody about what a vote was worth?—Never.

6265. Nothing of that sort?—Never; I tell you there was no mention of money, or any person in the town as a candidate, only Mr. Barbour.

6266. I did not ask you whether to vote for Mr Verner, but the conservative you spoke of?—I never was offered any money to vote.

6267. We have been talking about the February election. At the June election did you vote for Verner?—I did.

6268. Who asked you for your vote then?—I think Mr. Verner came in to me.

6269. Who was with him?—I think Mr. Colebach and Mr. Crowson.

6270. I do not mean when Mr. Verner was present, but before the election: do you recollect going with Moses Bullick to the Hertford Arms, and seeing Samuel Young?—I saw Bullick, and I was drinking a little in Young's, with some other people; that was the morning of the nomination.

6271. Do you recollect going into the Hertford Arms with Moses Bullick, and seeing Samuel Young there?—I was there, and I got rather too much to drink.

6272. Who gave it you?—I paid for some myself.

6273. And who gave you the rest?—We had it amongst ourselves. They treated and I treated; I paid for some, and Moses Bullick paid for some, and other people; and we had some together.

6274. *Chairman.*] Moses Bullick was with you at the Hertford Arms, on the day of nomination in June?—Yes.

6275. Mr. *Clerk.*] Did Samuel Young say anything to you about money?—No.

6276. About the last election?—No; I just was rather too much tipsy.

6277. Can you recollect what was said?—I cannot; but I recollect just going on a car, and going to Belfast.

6278. I am talking of June: did you go to Belfast on the June election?—About one day.

6279. Who with?—Bullick.

6280. How long did you stop?—That day, and came away that night, and polled the next day.

6281. Did you pay your expenses?—No.

6282. Who did?—I do not know anything about the expenses.

6283. What did you go to Belfast for?—Well, I do not recollect properly what they went for. The truth is I got some drink.

6284. Did you go alone; were there others besides Bullick?—No.

6285. Only you and Bullick?—And my brother-in-law, the car-driver.

6286. You were at Belfast?—At Mr. Weir's.

6287. Then you came back. When you came to Lisburn did you come back alone?—No, there were others.

6288 How did you come back from Belfast?—We came back in a car.

6289. Who with?—Charles Gribbin and William Macdonald, and William John Galway.

6290. There were more?—There were more.

6291. Who had been with you at Belfast?—Yes.

6292. Did you go on the Tuesday; what day did you come back?—On the Thursday morning, I think.

6293. And you went with your brother-in-law, Moses Bullick, and found the other people at Weir's?—They came home with us.

6294. You were there one night or two?—I was there on Tuesday and Wednesday night.

6295. And then you came back; where did you go to?—To Bannister's.

6296. That was in the June election. You had plenty of drink at Belfast?—Yes.

6287*. You went there half drunk?—Very.

6288*. And you came back in the same state?—No.

6289*. You came back sober?—I might make a breach one day and not do it one other.

6290*. When you came back to Lisburn, you say you went to Bannister's?—Yes.

6291*. Who did you find there?—I could not say. It was early in the morning, and I did not bother my head looking who was there.

6292*. Could not you tell the cause?—They gave us the tickets to go to the poll.

6293*. When you got back to Lisburn had you no conversation about the February election?—No.

6294*. With nobody?—No.

6295*. Did you never have curiosity to inquire who paid your expenses at Belfast?—I never inquired a word about it.

6296*. No one ever told you?—No one ever told me.

6297. Were you paid for your loss of time?—No, I was not; and I was not altogether pleased about that.

6298. Why were you disappointed about it?—Because we were never paid for it; I was determined not to vote, as the canvas that was going on did not please; and I was determined to vote against them.

6299. Who?—Barbour.

6300. Why?—Because they were canvassing in a manner I did not like.

6301. Is that what you mean when you say you were not pleased; did you not expect to be paid for your loss of time?—Not exactly, for I never asked.

6302. But did you never ask?—No.

6303. No understanding?—Nothing of any understanding; and I never asked who was to pay.

6304. Did you never ask if you were to be paid?—No; I thought I would go and bother my head no more about it.

6305. Was I wrong in saying that you were displeased at not being paid?—I do not know about that; I thought in my mind that I should be; but I did not bother my head about it.

6306. Your wife has never received anything?—I know nothing about my wife's affairs, nor she about mine; never to my knowledge did she get anything.

6307. Was she present on any occasion when Jefferson came to your house?—No; and Jefferson did not come to the house.

6308. Did you go to Jefferson's house?—I was sent for.

6309. Did you go alone, or with her?—I went by myself.

6310. Who came for you?—A man of the name of Carter.

6311. When was that?—About Saturday night.

6312. At the February election, when you got to Jefferson's, what did he say to you?—He asked me, if there was a conservative coming forward, would I stand; I said yes. "Would you stop and assist," he said; I said I would. That was all.

6313. What did you do then?—I said that I would stop.

6314. Is that all the conversation you mean to represent with Jefferson?—All.

6315. Entirely?—Yes.

6316. Did you do nothing?—No.

6317. And said nothing?—No.

6318. Was anything said to you about loss of time?—Not a word; and I mentioned such things to nobody.

6319. Did he mention such a thing to you?—No.

6320. Nothing of the kind?—No.

6321. I will ask, have you ever told anybody you had some conversation with Redmond Jefferson about money?—I do not know that ever I did, except in the way of jokes.

6322. Did you not tell anybody in joke?—I do not know; but I am swearing it now.

6323. Did you or did you not tell anybody in joke whether you had been promised money by Jefferson?—I never received any money, nor was I promised any money.

6324. Did you ever tell any one you had?—I did not say I had or had not; but I am swearing now.

6325. My question is, did you tell any one when you were not swearing?—I cannot say whether I did or did not.

6326. Cannot you tell that; did you not tell a certain person so?—

Mr. *Cooke.*] Who is a certain person?

6327. Mr. *Clerk.*] I will put the name. I will put it first; did you tell any one that Redmond Jefferson took you into his room and held up his hands with his fingers?—Well, I tell you I might.

6328. Did you?—I might.

6329. Did you?—I think I did.

6330. When?—Some little time ago.

6331. Why did you tell that?—It was just coming in words, of course.

6332. What did you tell, now you recollect it?—I cannot say anything further than that.

6333. Did you tell that person that Jefferson took you into a sitting room, and held up his fingers, first one hand and then the other hand, and that you then said I do not understand you, and he then did so four times?—I do not recollect.

6334. Anything of the sort?—I cannot say.

6335. You told him you had heard something about money?—I do not mind whether I had or had not.

6336. But you told me you did. Was it true that you did tell some one?—I said I might.

6337. Who was that person?—Well, I think it was O'Neill; only I think there was some conversation with us, or something like that.

6338. Very like it, was it not?—We were talking and he was talking.

6339. Of course it was talking. Did you tell him that about the hands and fingers?—I cannot say I did.

6340. *Chairman.*] Did you tell him?—I cannot just recollect.

6341. Try and recollect what it was?—I could not at the present time. I am sworn to the truth, and I have never got any money or promises of money.

6342. That is not the question. Have you ever told John O'Neill, or any one else, that Jefferson took you into his shop and held up his hands?—I might come round in words, of course.

6343. Then you might have said it in words, of course?—I might.

6344. Why did you say so?—I do not know.

6845. Have you said so more than once, or to more than one person?—I do not know.

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6346. Have you told this gentleman so (*pointing to a gentleman in the room*); Mr. Henry?—There was a kind of conversation between us. Do you want to know the conversation.

6347. Well, give me the answer first, and then the conversation. Did you tell him Jefferson took you into a sitting room, and began holding up his fingers and hands; you asked him what he meant, and he did so four times?—I think I did not tell him.

6348. What was it?—I think it was something like that.

6349. Tell me what it was?—Well; I am telling you the words you have mentioned.

6350. Was that the same thing you told O'Neill?—Yes.

6351. Then you told it to O'Neill and Henry on two occasions?—Yes.

6352. Did you tell anybody else?—No.

6353. Try and think?—I am thinking.

6354. And you cannot recollect mentioning it to anybody else?—No.

6355. Will you swear you did not tell it to anybody?—I will not swear.

6356. Why did you tell it to O'Neill and Henry?—At another court I would like to tell. Does Mr. Henry want to know.

6357. I want to know. Will you tell me why you told O'Neill?—There was a person came to me and asked if he could have any private information and I would be rewarded, and I said I did not think I could; but I was spoken to and had some conversation with him several times about that, and consequently I said at last, and I was to be paid a certain sum for giving certain private information, and I went and spoke to Mr. Henry, and Mr. Henry then gave me only half of what the promise was. And I told him these things, but this I will not swear.

6358. *Chairman.*] He gave you half the money, and you gave him half the information?—

6359. Mr. *Clerk.*] Did O'Neill give you anything for your information?—No.

6360. How came you to tell him?—He gave it to not to me, but to my wife.

6361. You did not know anything just now about your wife's affairs?—Well, in that case I might. In different cases I do know about her business and different cases I do not.

6362. What you told O'Neill and Henry was false?—I think it was false. I then told them the story, and found they were wanting to take me in, and I thought I would take them in.

4363. How much did you have?—£. 10.

6364. Was not 10*l.* paid to you for expenses to London and back?—I was to get 20*l.*

6365. Did you sign a receipt?—For the 10*l.* That 20*l.* would be too much to give me.

6366. Did you not say you would not go to give evidence unless you had your expenses paid?—Yes.

6367. And you were then paid 10*l.* on account of expenses?—Yes.

6368. For loss of time and your wife's too?—Yes.

6369. You signed a regular receipt?—Yes.

6370. And no secrecy about it?—No.

6371. *Chairman.*] Is your wife here?—Yes.

6372. Having told this to O'Neill and Henry, do you still say the whole of that you told them was a lie?—I do.

6373. From begining to end?—I do think it was.

6374. Will you swear now that what you told O'Neill and Henry was a lie altogether?—I would, sir.

6375. From begining to end?—Yes, but I think it is not about altogether a lie.

6376. How much is true?—None true at all.

6377. Why did you tell these two lies?—Because I was asked to give private information.

6378. Because you were asked to give private information, therefore you told lies?—I thought they wanted to make a job.

6379. Did you also make this statement that Moses Bullick told you at the Hertford Arms in June, that Sam Young would make it all right for the last election, and you would get more for the June than you got for the February election?—I told you I was drunk, and I could not answer.

6380. Did you give that information?—I cannot say that I did.

6381. Will you say "I did not"?—I might have done so.

6382. Did you do so?—I did something about that.

6383. Did you tell O'Neili that?—He was present.

6384. Is that true or false that Bullick told you that in the Hertford Arms?—False.

6385. False as the other?—Because I did not mind what I was saying.

6386. Did Sam Young tell you that?—Sam Young will tell you I was drunk.

6387. But you were not drunk at Mr. Henry's?—No.

6388. Did you tell Henry and O'Neill what I have stated about Sam Young promising you some money?—I might have said some words about it.

6389. You did?—I think I did something like it.

6390. Was that an invention of yours?—I think it was just a plan of my own.

6391. It was an invention of your own to see some game of bribery?—I did not say that altogether.

6392. You said Sam Young had told you you would get as much money for your vote in June as in February; why did you say that?—I do not think I said that, because I was drunk at the February and June election.

6393. But you were not drunk when speaking to Mr. Henry?—I was speaking to Mr. Henry in that sort of way.

6394. Did you not say to Mr. Henry, and see him taking it down in writing from your own mouth?—Suppose I did; he was writing something.

6395. And did you not tell him it was true?—Well, I told him a story, and that is all I tell you.

6396. May I take now that you swear that what you told him about the June election was also a lie?—Yes.

6297. And you got 10*l.* for coming over?—They gave me 10*l.*, and summoned me.

6398. Did you tell these lies to Henry for the purpose of getting over him, and getting 10*l.*?—I did not want to get over him, but he summoned me, and it was for my own expenses he gave me that 20*l.*, and not for my wife's, and nothing but my witness summons.

6399. And now then, the statement that you made to O'Neill and Henry, you now swear is false

false altogether about the money?—Yes, it was.

6400. From beginning to end, not a word of truth?—I think not.

6401. Don't think?—Well, I am telling.

6402. An invention, do you understand? are you prepared to swear that, what you told Mr. Henry about February and June is altogether a lie?—

Mr. *O'Malley* objected to this question, which was then withdrawn.

6403. Will you swear this is false, that Sam Young said he would make all right for the last election, and give you as much more for this?—Is that altogether false?—Yes, it is.

6404. Altogether?—Yes.

6405. Did Sam Young say anything to you about the last election?—Well, no, I think not; we might have been talking when we got to drink, but I do not recollect.

6406. Did he say anything about money on the last election?—No, he said nothing about it, but something that when matters were settled, may be, I might get something. Well, I don't recollect, for I was drunk, and I own my fault. Many people saw me drunk that day, as well as myself.

6407. You told us that Sam Young said nothing about money, but something that when matters were settled, may be, you might get something; was that what Sam Young said to you?—I cannot say whether he said anything or not; I cannot swear.

6408. You won't swear he did not say anything?—Not whether he did or did not.

6409. Not one way or the other?—No.

6410. Is it not your belief he said something?—I do not know.

6411. *Chairman.*] Do you say that if Sam Young had said anything to you you were drunk, and could not know what he said?—I do not mind what he said to me, for I was drunk.

6412. Mr. *Clerk.*] Swear to this, and be precise; you made a statement that Redmond Jefferson took you into a private sitting room and began counting his fingers and holding up his hands, and you said, "I do not understand;" and you said he meant 20*l.*; is that false?—Yes.

6413. Is that altogether false?—It is.

6414. He did not take you into a private room?—No.

6415. At any time did Redmond Jefferson take you into a private room?—No.

6416. That you swear?—No.

6417. Or anywhere?—No, I cannot say.

6418. Now, then, did you go into a room with Jefferson, in his room, by yourselves?—No.

6419. On no occasion?—I have been in his shop often.

6420. About your vote?—No.

6421. Never?—No.

6422. And did Jefferson on any occasion hold up his hands or fingers to you?—No.

6423. Did Jefferson, in a private room or anywhere, hold up his fingers?—I cannot say he did.

6424. No?—No, sir.

6425. That you swear?—No.

6426. And do you also swear that you did not say, "I do not understand what you mean"?—I do swear that I was never promised any money.

6427. Did you ever say to Jefferson when he did anything there, holding up his hands, "I understand what you mean"?—No.

6428. That you swear?—Yes.

6429. And nothing was said about 10*l.* or 20*l.*?—No.

6430. Upon no occasion?—No.

6431. Or any other sum?—I saw Mr. Verner when I went away on Saturday night, and was asked to go to Belfast. I swear that I never asked promises, or got anything from end to the beginning.

6432. Before the Saturday night, I said any time, was anything said about money?—I cannot say that anything was said.

6433. Will you swear there was not?—I said so.

6434*. I have given you every caution, and you persist in it?—

Mr. *Cooke* objected to the further pressing of these questions, as unnecessary.

Mr. *Rodwell* was heard in reply.

The *Chairman* said the Committee were of opinion that the examination should proceed.

6434. Mr. *Rodwell.*] At any time had you a conversation with Redmond Jefferson or Samuel Young with regard to money?—No.

6435. That you swear?—Yes.

Cross-examined by Mr. *Cooke.*

6436. Mr. *Cooke.*] You tell us that you went to Stephenson's on that Saturday night?—I did.

6437. Did the mob from outside try to break in?—Yes, they came down on Monday; they came when we were going to Belfast, and drove us back into the house.

6438. Were the different persons at Stephenson's persons who stopped willingly?—They were

6439. You have given the names of M'Donald, Parkes, and others who were with you at Belfast; were they all willing to stop where you were?—Yes; no man was discontented.

6440. Did you see men try to get away, and were trying to get back?—I never did.

6441. Was Gamble in the same house with you?—For a time.

6442. Did you ever know of his trying to get away?—I never knew him to ask.

6443-4. Gamble was with you at Belfast?—He was.

6445. And at Stephenson's?—Yes.

6446. Did Gamble, in your presence, express a wish to get away from their place?—Never, to my knowledge.

6447. Was Gamble with you at O'Neill's, in Montgomery-street, in Belfast?—No; but he was in the Vine.

6448. And first of all at Stephenson's, and upon any other occasion, did he attempt to get out?—He never said he wanted home.

6449. Did you ever see him try to get out?—No.

6450. Did you hear him say to anybody that he wanted to get out?—No.

6451. Tell me, then, when you got to Lisburn to the poll on the February election, was the place full of soldiers to guard you up to the poll?—There was a number of them.

6452. The military were there?—Foot and horse soldiers and police.

6453. You told us that you were displeased with Barbour's curious mode of canvassing; what was that?—He called in the house next to me, it may be three or four times a day, with

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with people along with him, and also at another house, but he never was in my house in his canvass only once.

6454. You spoke of Henry and a man named O'Neill, who is he?—He is here.

6455. What is he?—He drives a car.

6456. He drives cars in Lisburn?—Yes, he does.

6457. And did he question you in Lisburn or anywhere?—We met, and had conversations.

6458. Did he take you to Belfast?—He did.

6459. What money did your wife get from O'Neill?—£. 10, I think.

6560. Is that the money that you signed a receipt for?—That is the money I signed a receipt for.

6461. Did you, to pay your expenses, take that, and get a ticket besides?—Yes; they sent me a ticket.

6462. And one for her?—Yes.

6463. And you have been living with them ever since you have been in London with the other witnesses?—I have been ever since.

6464. Have you had to pay for yourself?—I was taken to lodgings, and have been there ever since.

6265. Under their care?—Yes.

6466. And your wife?—Yes.

6467. By the *Committee.*] The Committee are to understand that what you have said to Henry or to O'Neill is not true?—Well, it is not true.

6468. When you made the statement to them you were not sworn?—No, I was not sworn.

6469. You are sworn now?—I would not have sworn it.

6470. You wish the Committee to understand that what you state is now under the obligation of an oath, and the true statement you have to give?—Yes.

6471. And that statement is that Redmond Jefferson never took you at any time, either before the February and June elections, or before these two periods, or subsequent to those two periods, into a room and held up his hands to you?—No.

6472. Or offered you money?—No.

6473. Or anybody else?—No.

6474. At any time?—No.

6475. For your vote?—No; none was ever offered me.

6476. For anybody?—No.

[The Witness withdrew.

[Adjourned till Eleven o'clock To-morrow (Thursday).

Jovis, 17° die Martii, 1864.

HUGH E. ADAIR, Esq., in the Chair.

The names of the Members were called over:—All present.

Mr. *Clerk* asked whether the Committee required the further attendance of the Witness Edward Johnston, who had been desired to remain in town.

The *Chairman* stated that the Committee would not require his further attendance.

Mr. *Clerk* applied to the Committtee for an order to compel the attendance of a Witness named Alexander M'Cann, who had been summoned to attend before the Committee, but who had not been in attendance since Friday last, and who had changed his residence and was keeping out of the way.

The *Chairman* stated that he had found on his desk a letter addressed to the Chairman of the Lisburn Election Committee, and bearing the London post mark of 17th March 1864, and another post mark on the stamp which he could not decipher, and enclosing a written statement to the following effect:—"This is to certify that Mr. Alexander M'Cann is unable to leave his room from severe illness. *E. J. Hughes*, M.D., Albion-street, Woolwich, 16 March 1864."

Mr. *Clerk* said he would call evidence as to the Witness having been seen yesterday, and the state of health he was in.

Robert Richard Stubbs, was called in; and, having been sworn, was Examined by Mr. *Clerk*, as follows:—

R. R. Stubbs.

17 March 1864.

6477. Mr. Robert Richard Stubbs, are you a clerk to Mr. Wyatt?—Yes.

6478. Mr. Wyatt, the agent for the petitioners?—Yes.

6479. Now, by his directions, did you go down to Woolwich for the purpose of seeing Alexander M'Cann?—Yes.

6480. Had he been served by you before that with the Speaker's warrant?—Yes, on the 10th of March.

6481. *Chairman.*] Personally?—Personally.

6482. Mr. *Clerk.*] And you served a notification also of the time at which he was to attend here?—I served a notification at the same time as the warrant.

6483. When to attend?—On the 11th; that was the next day. He did attend.

6484. You served the notice on the 10th?—I served him on the 10th to attend on the 11th.

6485. Have you got the form of notice here?—I have the warrant; the notification was in the usual form.

6486. You have not a copy of the notification?—It is a notification signed by the Parliamentary agents.

6487. Is it to attend on one day, or during the Committee?—During the Commiteee.

6488. Have you the form of notification?—Yes.

6489. Did you see Alexander M'Cann, and inform him when the Committee sat?—I did.

6490. Now, did you know from him that he was not going to attend upon any other day? Did he say anything?—He said on Friday he thought he should be too ill to come again.

6491. By the *Committee.*] He said so on Friday?—On Friday, when he attended.

6492. Was he ill or not, can you say?—I cannot say.

6493. In consequence of his non-attendance since Friday, I understand that you went down to Woolwich yesterday?—Yes.

6494. Did you take any means to ascertain whether he attended between Friday and Saturday?—I know that he has not.

6495. By the *Committee.*] Has he known that he was not wanted till to-day?—I told him to come every day.

6496. Mr. *Clerk.*] And at what time did you go to Woolwich?—I saw him about one.

6497. About one in the middle of the day?—Yes.

6498. Was he at the same lodgings in which he had been living previously, when you served him on the 10th of March?—I never saw his lodging until yesterday.

6499. Where did you serve him?—I served him at a tavern, by appointment; he would not give me his address.

6500. You did not know it on the 10th of March?—I knew where to write a letter; but he said that he did not live there.

6501. Did he return his place of abode, as required by the notice of the House?—No.

(*The following form of notice was then put in, and read, as follows:*)

"Lisburn Election Petition.

"Pursuant to the summons of the Right Honourable the Speaker of the House of Commons already served upon you in the above petition,

R. R. Stubbs.

17 March 1864.

"We, the undersigned, agents of Russell Kennedy and Bryson Pelan, hereby give you notice to be and appear before the Select Committee to try the matter of the said petition at the House of Commons, in the City of Westminster, on Friday, the 11th day of March inst., at 11 o'clock in the forenoon of that day; and further, on your arrival in London in attendance on this notice, to inform us immediately thereof, and of your place of abode.

"Dated this 4th day of March 1864.

"Yours, &c.,
"*Wyatt & Metcalfe,*
"28, Parliament Street,
"Westminster.

"To Jacob Bannister."

6502. Did you ask him for his place of abode when you saw him in London?—Repeatedly, in London and at Woolwich.

6503. When you saw him at Woolwich, on the 10th of March, did you ask him where he had resided?—Yes.

6504. Did he give you an answer, or what did he tell you?—He said sometimes in one place, and sometimes in another. His means were not sufficiently good for him to remain in one place long.

6505. *Chairman.*] Did he say to live in one, or the same, place long?—I do not know which he said, but he meant the same.

6506. Did he mention any place at which he was then living?—He said Greenwich.

6507. When did he say that?—On the 10th of March.

6508. He said on the 10th of March that he was living at Greenwich?—Yes.

6509. You having arranged to meet him at a tavern in Woolwich on that day?—He arranged.

6510. But you assented to the arrangement by meeting him there?—Yes; I went to serve him with the warrant.

6511. Mr. *Clerk.*] He proposed, and you assented?—Yes.

6512. When he was in London, did you then ask him for his place of abode?—Yes.

6513. Well, where did you go to on your arrival in Woolwich yesterday?—I went to the huts—the Royal Artillery Cottages, on the Common.

6514. What did you find there?—I found that the house was empty.

6515. What house?—Where his brother-in-law lives.

6516. He has a brother-in-law living there, a soldier?—Yes; in the school of gunnery.

6517. *Chairman.*] Was the cottage to which you went his brother-in-law's house?—Yes; where I communicated with Mr. M'Cann by letter, at the only address I ever got.

6518. You went to Artillery Cottages, to which you had addressed letters, by M'Cann's direction?—Yes.

6519. Mr. *Clerk.*] Did you find any body at the cottage?—No one; it was shut up.

6520. Did you ascertain by enquiries where he was?—Yes.

6521. Where was that?—At Ogelby-street, Woolwich.

6522. By the *Committee.*] That is where you saw him?—That is where I saw him.

6523. Was that his brother-in-law's?—Yes.

6524. His brother-in-law had removed from the cottage to this house?—Yes.

6525. What did you say to him when you saw him?—I asked him how it was that he had not attended the Committee; or why he did not let us know the reason.

6526. What reason did he give?—He said that he was too ill.

6527. Was he dressed at the time?—He was dressed, sitting by the fire.

6528. Could you judge from anything you saw whether he was ill or not at the time?—He looked as well as I have ever seen him.

6529. Had you seen him before the 10th of March, when you served him?—Yes, repeatedly.

6530. Did you ascertain from him whether any medical man was then attending him?—Yes. When he said that he was ill, I said, "You must either attend, or produce a medical certificate that you are not in a fit state to come;" and I asked him who was his doctor, and said I would get it. He said, "I have had a doctor attending me for three or four days."

6531. Did you give any directions to him about attending here to day?—I told him that he must come this morning, or send a certificate if he could not come. I told him that a certificate would be no good by itself, but must be verified by affidavit of the doctor's signature.

6532. By the *Committee.*] Did you tell him about the affidavit?—I said it was no good unless it was verified by affidavit, and that was why I wanted to get it myself, as I should have asked the doctor questions.

6533. Have you enquired to day whether he was here?—I have looked about, and he is not over at our office.

[The Witness withdrew.

The Chairman stated that the Committee would grant the order applied for, and the agents for the petitioners would make use of it if necessary, Mr. Clerk, on the part of the petitioners, undertaking, that in case the absence of the witness was really caused by illness, he would be satisfied with a medical certificate verified by affidavit of the signature, or the examination of the medical attendant before the Committee.

ELIZABETH STEWART, was called in; and having been sworn, was Examined by Mr. *Clerk*, as follows:—

E. Stewart.

6534. You have been some days in London, have you not?—We have. I think this is the eighth day. It was a week yesterday since we left home.

6535. Where did you sleep last night?—I could not say.

6536. Was it at a different house from where you have been previously?—Yes.

6537. You slept at a different house?—In a different house.

6538. A different house from that in which you had been since you came to town?—Yes.

6539. At a different house from where you slept before?—It was the second house since I left home.

6540. When you first came to London, were you sleeping at an hotel near Westminster Bridge?—Yes.

6541. Near this place?—Yes.

6542. Mr. Wilson was there?—He was.

6543. Mr.

6543. Mr. Thomas Wilson?—He was.

6544. And your husband too, was not he?—Yes.

6545. And you went to another house, you say, last night?—Last night.

6546. How came you to go from one house to another?—Because I thought my husband would be soon ready to go home, and I thought it would be convenient.

6547. But you had been called here as a witness yourself?—Yes. I had.

6548. And you knew yesterday, did you not, you were going to be examined here as a witness?—I expected so to be.

6549. Did you stop last night at the same house as Edward Johnston?—I could not say.

6550. Do you mean to say that you do not know Edward Johnston?—I did not see any one stop there.

6551. Do you know Edward Johnston, who was a cabinet maker at Lisburn?—Yes. He was not there, I think, last night. I did not see him.

6552. Did you see him this morning at breakfast?—Well, yes.

6553. Were you talking to him for about half an hour, or some time, in the lobby yesterday—in the passage?—No, sir.

6554. Were you talking with him in the passage yesterday?—I do not remember, in my life, speaking many words to that man.

6555. Did you speak to him yesterday?—Well, sir, I might in passing by, but I do not recollect any particular subject.

5556. Were you not sitting down by the side of Edward Johnston for a long time yesterday?—I sat on a seat, but could not pick him out.

6557. But you sat by him?—On my word I could not say whether I sat beside him more particularly than any other.

6558. Were you not sitting a long time by the side of Edward Johnston; you two by yourselves?—I really could not say whether it is so in fact.

6559. Do you mean to say that you do not recollect sitting and talking with Johnston yesterday?—I do not indeed.

6560. You know him?—I saw him to know him.

6561. Did you not know him before he came here?—By seeing him at Lisburn.

6562. Why was it necessary to point him out?—Nothing more than anything particular of another man.

6563. Do you mean you did not sit and talk with him yesterday?—I do not recollect it. I do not indeed.

6564. You do not recollect talking with him yesterday; you swear that?—I do not recollect.

6565. Do you swear you do not recollect?—I do not recollect talking with him particularly on any particular subject.

6566. *Chairman.*] Did you speak to Edward Johnston, of Lisburn, yesterday?—Yes; if you would put me in remembrance, but I do not remember speaking to that man particularly.

2567. Mr. *Clerk.*] Did he go with you to the hotel where you slept last night?—I do not recollect; a different one came in, and I did not know any man more than another.

6568. Had not your husband been staying at the same hotel you were at at Westminster?—Yes.

6569. On the day you arrived?—Yes.

6570. Until yesterday?—Yes.

6571. Who went with you and your husband; did you go together?—We did.

6572. Who went with you?—A number, and I declare I cannot say positively.

6573. Did not Edward Johnston?—I think not.

6574. Will you swear he did not?—I cannot swear; I was not looking at all.

6575. Did you see him at the house last night; at the "Salutation"?—According to my memory I did not; according to what I think in my memory.

6576. What time this morning did you see him?—At breakfast.

6577. You say you went there because your husband had given his evidence?—Yes.

6578. You knew you had not given yours?—Yes.

6579. Why did you go?—Because it was convenient.

6580. Who asked you to go?—No one in particular.

6581. In particular; who asked you?—I saw the people going, and I went with them.

6582. Why did you leave one house to go to another?—I think, for certain reasons. Charley, the sweep, has annoyed us much since we have been in the town.

6583. *Chairman.*] I suppose he was not christened Charley the sweep?—Charley Maguire; I was frightened out of my life just now, and glad to get away.

6584. That was the reason you went?—Yes.

6585. Mr. *Clerk.*] Not because your husband had been examined?—It was part of the reason, but that is the principal.

6586. Did you complain to Mr. Wilson, or to anybody else, of Charley the sweep?—I did.

6587. To whom?—To Mr. Wilson.

6588. To whom else?—I might have mentioned it to others, but I was a little annoyed with him when coming down in the train, for he would swear, and took my husband into a carriage fit only for beasts, and he was playing cards all the time.

6589. Is William Stewart, who was examined yesterday, your husband?—Yes.

6590. You know he voted for Verner?—Certainly I do; with pleasure I feel it; and I hope Verner will be for ever on account of his noble father.

6591. Now, tell me how long did you know Mr. David Beatty?—I have these 20 years.

6592. *Chairman.*] How long have you known Mr. Beatty, 20 years?—Yes; since I went into the town, above 20 years ago.

6593. Mr. *Clerk.*] Has your husband always voted on the same side as Mr. Beatty at the Lisburn election?—He has voted on the Conservative side.

6594. Did he not vote for Richardson in 1853?—We took him to be a Conservative, but I do not know about it; that is why I voted for him.

6595. You know David Beatty?—I do, as a friend, and a very particular one too.

6596. Now, Mrs. Stewart, did you go to him after the last election in June?—I did.

6597. Where did you go?—To his office.

6598. Did he give you some money?—He lent me some money from his own private purse.

6599. How much money?—I got 30*s.* first, 2*l.*, and 10*s.* again.

6600. Then you got 4*l.* altogether?—Yes.

6601. Thirty shillings, 2*l.*, and 10*s.* again?—All borrowed money.

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6602. *Chairman.*] Was that all at the same time?—At different stages; I got 1 *l.* about a month after the election; I think I received the 30 *s.* then; what was the next I could not state.

6603. Mr. *Clerk.*] How many payments were there; how often did you receive the money?—At three times.

6604. When was the second time?—I could not say.

6605. The third time?—I could not say.

6606. Did you receive the first 30 *s.* after the election at Mr. Beatty's office?—Yes.

6607. Can you say the length of time between the first time and the second?—Well, I could not say.

6608. A week?—I could not say.

6609. When you got the last 10 *s.*, did you take a pawn ticket with you to Mr. Beatty?—I did.

6610. What did you pawn? Do you recollect?—Some clothes.

6611. Is Mr. Beatty a pawnbroker?—No, but he lent the money to redeem that.

6612. You took a pawn ticket for your son's clothes, and Mr. Beatty lent you the money on the ticket?—No, he lent me money to take out the clothing on the statement that I had paid my brother's money. The reason that I borrowed money was, that when I went to Mr. Beatty to borrow it, I said I would certainly see it paid the same as my brother's had been. I borrowed it to pay again. I had no connection with the election. I never received a bribe in my life.

6613. Is that all?—That is part, but what you tell me I will answer as well as I can.

6614. Was nothing said to you about the election or bribing? I do not know why you put these words in. My question to you a little while ago was this; when you went to Mr. Beatty the last time, did you have a pawn ticket with you?—I did.

6615. Did you tell Mr. Beatty that you wanted to redeem something?—I did.

6616. Did he give you, then, 10*s.*?—He lent it.

6617. Did you keep the ticket, or leave it?—I went and released the clothes, as I got the money.

6618. You did not give him the ticket?—He has no pawn-shop.

6619. You did not leave the ticket with him?—I left it with the man who had the clothes.

6620. Did Mr. Beatty ever lend you 30 *s.* before?—Yes, I do believe he would.

6621. But before that, and when you went to him, and he lent you 30 *s.*, had you ever borrowed money of him before?—No, not before that.

6622. Had you ever borrowed a 6 *d.* of Mr. Beatty before the last June election?—I never mind borrowing 6 *d.*

6623. Now, when you went to Mr. Beatty to borrow the 2 *l.*, did he not tell you that there was a petition going on, and when it was over he would settle it?—He never promised me money in my life.

6624. Did he not say, when you went to borrow the 2 *l.*, that there was a petition going on, and when it was over he would settle it up?—He never mentioned money at all towards the election.

6625. Did he not say that there was a petition going on?—He never offered me money, or paid money to me.

6626. Did he not say that a petition was going on?—I cannot say.

6627. Did he not say that a petition was going on, and when it was over he would settle it up?—I do not remember that.

6628. When did you forget it?—Of course, I never thought of it.

6629. Did you not tell this gentleman within a week, that Mr. Beatty had told you, when you came to borrow the 2 *l.*. that there was a petition going on, and when it was over he would settle it all?—Whatever you set down, I am now on my oath. Whatever I have said, I took my oath to tell the truth; and now I am on my oath to tell you the truth.

6630. You said that you could not recollect whether Mr. Beatty said anything about a petition going on?—No, I do not think.

6631. You said you do not remember that Beatty said that. Did you not tell Mr. Henry one week ago, that Mr. Henry did say that to you?—I suppose that perhaps he bribed me to tell lies; but I am telling the truth now.

6632. Did you tell him so?—He took us down for the purpose.

6633. Did you tell him so?—Not as I recollect.

6634. Will you swear that you did not tell Mr. Henry that Mr. Beatty had said that there was a petition going on?—He did not swear me; but took me down and made me tell lies.

6635. Did you tell Mr. Henry that?—I am not certain whether I did or not; he had me there to do some mischief.

6636. Where did you see him?—At the hotel in Belfast.

6637. Did you tell him that you had received first 30 *s.* from Mr. Beatty, and that you afterwards received 2 *l.* from him, about a month after?—No; I did not mention all that, I think.

6638. Did you tell him you received 2 *l.* from Mr. Beatty?—I did.

6639. And did you tell him that you had gone to Mr. Beatty with a pawn ticket, and that he then lent you 10 *s.*?—Yes.

6640. To release the clothes?—I do not know whether I told him about the ticket. But that is true.

6641. But this is a week ago that you told him this in Belfast. Did you not?—Never, as I minded.

6642. *Chairman.*] Why you have just said that you told Mr. Henry you had received 30 *s.* and 10 *s.*; and you brought the pawn ticket on the last occasion. Did you tell that to Mr. Henry?—That took place.

6643. Mr. *Clerk.*] Did you tell Mr. Henry so?—I suppose that I did.

6644. How long ago?—I cannot say how long ago.

6645. A week?—The time that we were down for private information at Belfast.

6646. How long ago was that?—Before we were summoned to come.

6647. How long before you were summoned?—I cannot say.

6648. Did you see him write down what you told him?—I did not observe.

6649. Did you see him writing when you were talking?—I did not observe what he was doing. I declare that I did not see what he was doing when I gave him an answer.

6650. Now, be cautious. Did he not read over a passage what you had told him?—Not that I mind.

6651. Will

6651. Will you swear that he did not?—According to my recollection.

6652. This is not 10 days ago?—We are 10 days from home.

6653. Did you leave your memory at Lisburn or Belfast?—It was 10 days together.

6654. It was last Monday week, was it not?—I cannot say.

6655. A week last Monday?—If I had known that these questions were to be put, I could have answered them; but I do not know how long ago it was. There were two summonses; one for my husband, and one for me, but no money.

6656. At the office at Belfast, did you not make a statement to Mr. Henry?—

6657. *Chairman.*] She says she told Mr. Henry. Was it at an office in Belfast. Was it not read over?—Not that I know of.

6658. Mr. *Clerk.*] Will you swear?—According to my recollection I did not see or hear anything read out. I gave a certain statement to get 10 *l.*, that was promised for my statement.

6659. You made the statement to get 10?—Not a bit.

6660. To Mr. Henry, to get 10 *l.*?—No. A little simple statement I made to him. But I am on my oath now to declare that.

6661. Who promised the 20 *l.*, Mrs. Stewart?—Well, I am not willing to tell if I can help it.

6662. But we are very anxious to know who promised it?—Con. O'Neil.

6663. What is he?—A car driver.

6664. Did you ever see Mr. J. J. Richardson?—I have a good right to know him.

6665. Did you speak to him on the subject?—I did not.

6666. Did you speak to anybody except Con O'Neil?—Not till I went to Belfast.

6667. Do you mean that Mr. Henry offered you 20 *l.*—He was present when we got the 10 *l.*

6668. Did Mr. Henry ever offer you 20 *l.*?—It seems a statement came from him.

6669. Did Mr. Henry ever offer you 20 *l.*?—He was present when the 10 *l.* was given.

6670. Did Mr. Henry ever offer you 20 *l.*?—No, he did not offer it himself; but you asked me who offered it, and I told you.

6671. I asked you three or four times whether Mr. Henry ever offered you 20 *l.*?—He did not.

6672. Now, 10 *l.* you say he gave you?—Yes, to prepare me in clothing to go.

6673. And pay your expenses and your husband's to London?—My expenses were not mentioned at that time. It was only to give that little gentle information that I was to get the next 10 *l.*, and I have not got it yet.

6674. Mr. Strangman told you that he would give another 10 *l.* if you gave—what?—Information of what I pleased to speak; but the truth is now before you.

6675. Have you talked with your husband since last night about what he said in his examination?—I do not know.

6676. Do you mean to say that since yesterday afternoon you do not know if you have talked with your husband about what he said?—No; we had not time.

6677. I understand you to say that you have never spoken to your husband since yesterday about this evidence?—No, I did not.

6678. You have never spoken to him about what he said in this room?—I do.

6679. You have never spoken to your husband about the evidence that he has given in this room?—He did not talk anything to me, or I to him.

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6680. Did you talk at all about it?—No.

6681. Did he speak to you about it at all?—Of about nothing in particular.

6682. Did he speak about what he was examined about here?—I might of what he was examined on.

6683. What was it?—Bribery promises.

6684. How do you know?—I had a good right to know.

6685. How do you know what he was examined about?—Why, would not I know what he was summoned for.

6686. But you said you did not?—I did not know the words that passed.

6687. Do you know what your husband was examined upon?—I know he was in yesterday on examination.

6688. Did you talk about what he was examined about yesterday?—He did not tell me anything particular what he said.

6689. But he talked a little about it?—We had no time to talk.

6690. Where were you yesterday evening?—It was dark when I got out of here.

6691. What time did you go to bed?—Nine o'clock.

6692. Did you sleep in the same room together?—Surely.

6693. What time did you go to bed?—I think it was about nine.

6694. And you had no time to talk to your husband about what he was examined upon. You did not speak to your husband from the time you left this room yesterday about what he said here?—Not particularly.

6695. Did you talk about it?—He might have said things about what he was examined upon, but nothing particular.

6696. Did you say anything about being examined?—I do not recollect.

6697. You say Mr. Beatty had never lent you any money before this?—Before when?

6698. Before the time he lent you the 30 *s.* How came you to go to Mr. Beatty in the month of July?—Because I had paid him money for my brother, and I thought he could not deny me.

6699. When did you pay money for your brother: how many years ago?—I am not going to recollect how many years ago.

6700. When did your brother go to America: it was, I believe, to America—The time is not out of my memory, but the years and months are.

6701. Did your brother go to America?—Yes.

6702. How many years ago?—I could not say.

6703. A great many?—Some years ago.

6704. And when did you pay Mr Beatty the money your brother had contracted?—I could not say, to tell the truth.

6705. Is it as much as 10 years ago since you had the money?—I could not say.

6706. Have you paid him any money before this, for the last ten years?—I could not say.

6707. How came you to go to Mr. Beatty at this time (being so long since you paid the money) after the June election to borrow money?—I told you I was at a little pinch, and I went as a particular friend to him, and I thought he would lend it, he knowing me so well.

6708. Is your husband a confectioner?—He keeps on the business.

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6709. Has he a shop now?—Yes, and refreshment rooms.

6710. What was the pinch that you had after the June election?—There was no money coming in from Mr. Verner, and I thought I would suffer a pinch before I would dishonour him.

6711. What do you mean?—That we are bad off.

6712. Did not you say just this moment there was no money coming in from Mr. Verner?—There was no money coming in from the time the election took place.

6713. You said there was no money coming in from Mr. Verner?—There was no money astir from the time the election took place. Money was dull in the town, and trade bad. That is the meaning of what I meant.

6714. Did you not say a minute ago there was no money coming in from Mr. Verner?—I mistook the word.

6715. Did not you say, yourself, in the hearing of that gentleman, that there was no money coming in from Mr. Verner?—It is true money was given, and I never knew it. I never knew of money being given by Mr. Verner or his agents.

6716. What did you mean by no money coming in from Mr. Verner?—I mistook the word, perhaps.

6717. What do you mean by not wishing to dishonour him?—By not wishing to take a bribe.

6718. How would you dishonour Verner by going and borrowing 30 *s.* of Mr. Beatty?—That was not my meaning.

6719. What do you mean?

Mr. *O'Malley.*] She has not said that to borrow of Mr. Beatty was to dishonor him.

Chairman.] She has made an amazing number of rapid announcements. There is one observation she made which is about there was no money coming in from Mr. Verner. That you heard? You admit she said that?

Mr. *O'Malley.*] I do.

Chairman.] Then she said, "I would not dishonour him," and the rest I could not hear or understand.

Mr. *Cooke.*] My friend asks you, how is the 30 *s.* borrowed of Mr. Beatty, to dishonour Mr. Verner?

6720. Mr. *Clerk.*] What was the pinch? I want to know what the pinch was?—I told you.

6721. What was it?—To take out my boy's clothes.

6722. No, the 30 *s.*?—It was to pay rent.

6723. Did you ever borrow money of Mr. Beatty to pay rent before?—I had no cause.

6724. *Chairman.*] The 30 *s.* borrowed of Mr. Beatty in the first instance, was it for a pinch? because you say there was a pinch?—Yes.

6725. And you explained the amount of the pinch by saying it was for rent you owed, is that so?—It is.

6726. Mr. *Clerk.*] What did you mean by saying just now there was no money coming in from Mr. Verner?—I could not expect money to be offered to me, for I never heard money mentioned.

6727. Why did you say there was no money coming in from Mr. Verner?—I meant to say there was no money. Could I get money from Mr. Verner when there was no money for me?

6728. I ask you why you went to Mr. Beatty, and you said because there was no money coming in from Mr. Verner?—That was the meaning.

6729. Did you tell Mr. Beatty there was no money coming from Mr. Verner?—No.

6730. Now Mrs. Stewart, did you not tell him you wanted a little money, on account of your husband being away so long?—No.

6731. Or anything to that effect?—No.

6732. Mrs. Stewart, did you not say to Mr. Beatty, it was hard that he should be taken from his work so long?—No.

6733. He was away a long time?—He was kept away through Charley, the sweep, who was annoying the town very badly.

6734. *Chairman.*] Was your husband absent for some time?—He was.

6735. For a fortnight?—Yes.

6736. He was not with you that fortnight?—No.

6737. Mr. *Clerk.*] Did you not want a little money on account of that?—I was very willing to put up with work.

6738. Did you not want some money on account?—I do think my little business would have kept me together, but I was taken short for the rent. I had to pay it.

6739. Do you swear you did not ask Mr. Beatty to lend you some money on account of your husband's absence?—No.

6740. You swear you did not?—I do not mind. My husband was at home at the time; he was not away.

6741. Did not you ask Mr. Beatty for some money? I do not say any particular sum, but for some money on account of the last election?—No; not on account of any election whatever.

6742. On account of your husband being away from home?—No, not on that account.

6743. You swear that you did not?—Not upon that account.

6744. You swear you did not?—Not on the purpose of that.

6745. What purpose?—Him being away.

6746. What purpose did you ask him for?—Merely to oblige me for that time.

6747. Why was he to oblige you for that time?—Because he was kind to me; kind to lend it to me.

6748. If you never asked him before, why was he to lend it you that time?—He would lend it any time if I only asked.

6749. But you say that you never asked?—But I have paid him money.

6750. Why did you go to Mr. Beatty to borrow money at that time?—Because I was taken at a pinch; short for money on account of the death of my boy.

6751. Have you paid back any of that money?—I could not pay it.

6752. Have you?—Not any.

6753. When were your son's clothes pawned?—Without I had the ticket I could not tell.

6754. How long before this was it?—A good long while.

6755. Where was your son?—He was dead.

6756. Where did he die?—In Italy; but I am not certain.

6757. Your son was dead at that time?—Yes.

6758. Did you pawn the clothes, or he?—I pawned them after his death. He was possessed of them at the time of his death. I was put about.

6759. And

6759. And your son was dead at the time you pawned the clothes?—He was.

6760. How many sons have you?—I have four.

6761. Living with you?—Yes; and one daughter, and two boys dead, and a girl.

6762. You have two sons living now?—Yes.

6763. Where are they?—At home; and great inconvenience it is, and nothing doing.

6764. Had you ever pawned anything before this?—No; for I was not called on for that.

6765. Was this the first time that you went to a pawn shop to pawn anything?—I never went pawning.

6766. Was this the first time that any of your things had been pawned?—This is a very tight question. I told you that I had no call before my son's death.

6767. Had any of your things been pawned before this time, that you pawned your son's?—No.

6768. Or any of your family's?—I do not recollect.

6769. Had any of your husband's things ever been pawned. You must know that?—Not to my recollection.

6770. Do you mean this was the first time that anything out of your house was pawned?—From me.

6771. Out of your house?—Away?

6772. Had any things in your house, either belonging to yourself or family, ever been pawned before your son's clothes were pawned?—If I had been taken short—I would rather have given any thing.

6773. I am sorry to inquire into your private affairs, but had you occasion to pawn things before?—None, particularly.

6774. You had pawned some things?—No; I was never given to pawnbrokers' shops.

6775. And had you ever been obliged to pawn some things?—Not to my knowledge in any respect particularly.

6776. Did you ever pawn anything before?—I never went myself to any pawnbroker's shop.

6777. Were any things taken to be pawned by members of your family?—No; I think not.

6778. You say that this was the first time that anything out of your house was pawned to your knowledge?—Yes; I think it would take me a good memory to answer the question.

6779. Answer the question. Had any of your things been pawned either by yourself, or by any members of your family, before this pawning of your son's clothes?—I cannot recollect that.

Cross-examined by Mr. *O'Malley*.

6780. You say that in Belfast, on Monday week, or some time at Belfast, you were in a private house—a solicitor's office?—Yes.

6781. *Chairman.*] She also stated that she went to an hotel?—An hotel.

6782. Mr. *OMalley.*] She went to an hotel, in which there was evidently a room used. Who was with you?—My husband.

6783. Your husband. Who brought him here?—Con. O'Neil.

6784. Is that the man who is taking care of the voters in town for the other side?—Yes. *E. Stewart.* 17 March 1864.

6785. What is he?—A car driver.

6786. Did you go into a private room or the public room of the hotel? I suppose a private room.—There were people in it. I could not say if it was private or public.

6787. Did you see Mr. Strangman there?—I did.

6788. Whose clerk is he?—He is one of Mr. Jonathan George's friends.

6789. He is clerk to the petitioner, Mr. Jonathan George Richardson?—He is, I think, a friend; but I do not know what situation he holds.

6790. Was Mr. Richardson himself there?—Mr. Jonathan George? No, I did not see him.

6791. Did you see any Mr. Richardson there?—No.

6792. Who else was there? Mr. Henry was there?—Yes; that is his name, I believe.

6793. Well, now, you have told us that 20 *l.* was promised. Who promised the 20 *l.* first?—Con. O'Neil.

6794. And then, when you came in, you say they gave you 10 *l.* Who gave you the 10 *l.*?—Con. O'Neil.

6795. In that room?—Yes.

6796. And in the presence of these people?—Yes, they were present.

6797. Who was it promised the other 10 *l.*?—Strangman shook hands, and said, on the word of a gentleman, he would pay me the other 10 *l.*

6798. When O'Neil came to you, did he tell you that he would get 20 *l.* for you if you gave information against Verner?—Yes.

6799. I just ask you this. In addition to the 10 *l.* I think you told us that you got your tickets?—Yes.

Re-examined by Mr. *Clerk*.

6800. Before you got your ticket, did you tell anyone that you had spent the 10 *l.* which they gave you for expenses, and that you would not come over?—Yes. I did not intend to come.

6801. Had you spent the 10 *l.* given you for expenses?—Yes.

6802. Now, Mrs. Stewart, did you ask for 20 *l.* for your information, and were you not told that they could not do that, but that they would pay your and your husband's expenses?—We did not ask it, for it was offered to us. We did not know for to ask anything of the sort.

6803. Did they not tell you at the room at the hotel that they could not give you 20 *l.*, or any sum of money, but they would pay you your expenses?—No, they did not. They were to give 20 *l.*, and free of expense coming here.

6804. Who said that?—It was Mr. Strangman.

6805. And in Mr. Henry's presence?—Mr. Henry was there.

6806. Did Mr. Henry tell you the same thing?—They were all present. I hope that I shall not be cut out of my expenses.

Chairman.] We have nothing to do with that.

[The Witness withdrew.

Mr. William Joseph Henry was called in; and, having been sworn, was Examined by Mr. *Clerk*, as follows:

6807. Are you a solicitor at Lisburn?—No; in Dublin. *Mr. W. J. Henry.*

6808. Were you engaged professionally for this petition?—Yes.

6809. Were you engaged before this enquiry came on in getting up the evidence to support the petition?—Yes.

6810. Among other persons whom you exa-

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mined, did you see William Stewart and his wife?—I did.

6811. Where did you see them?—The Royal Hotel, Belfast.

6812. Did you, or did any one in your presence, offer Mrs. Stewart or her husband any money to give evidence here?—No.

6813. Was Mr. Strangman present during the time they were there?—Yes, he was present on the first occasion; and I cannot say whether on the second or not.

6814. But on other occasions, did Mr. Strangman, in your hearing, or did you, offer either of these two people 20 *l.* to give evidence?—On the contrary; Mr. Strangman, in my presence, and I, myself, afterwards told them they could not get 20 *l.*, or any such sum of money, but that their expenses, and their expenses only would be paid for loss of time, as they were in trade.

6815. Did either of them make any application to you for a sum of money?—Not to me; but I heard from others that they did.

6816. Did they say anything about a sum of 20 *l.*?—No.

6817. Did you give them, or was a sum of money given in your presence to them?—Yes.

6818. How much?—£. 10.

6819. Did they give any receipt for it?—They did.

6820. Where is it?—I think it is in Mr. Strangman's possession.

6821. Did you make either of them any promise that they would have any more money afterwards, if they gave satisfactory evidence here?—Decidedly not; and I told them that there was a scale of fees prescribing the rate they would be paid at; and that they would be paid according to that.

6822. Did you take the evidence of the last witness on that occasion?—On the first occasion she refused to give it.

6823. Did she give you evidence on the second occasion?—She did.

6824. Did you take it down in writing?—I did.

6825. Do you recollect upon what ground she refused to give evidence?—She said she would not, as she had not been paid what she was promised.

6826. Did she say by whom?—I think that she said Con O'Neil.

6827. Do you recollect what you said to her at that time, when she said she had not been paid what she was promised?—I told her if Con O'Neil had promised it, he had done wrong, and he had no authority to do so, and she could not get any more than she got on that occasion.

6828. She got the 10 *l.* on the first occasion?—She got the 10 *l.* previous to my conversation with her.

6829. How long afterwards was it when you saw her again?—On Monday week; the first interview was about a fortnight before that.

6830. *Chairman.*] What do you mean by refusing to give evidence. I understood that she got 10 *l.* on the first occasion when she refused to give evidence?—She got 10 *l.* first, before I asked her to give evidence. It was not from me, but I was in the room when she got it. It was handed to her by Mr. Strangman.

6831. What was the 10 *l.* paid for?—Expenses to London of herself and husband.

6832. She gave no evidence as to what she would say?—No.

6833. You say on the second occasion, she made a statement to you?—Yes.

6834. *Chairman.*] First of all, did she come voluntarily to you on the second occasion, or had you sent for her?—I was told upon the morning that she would come that day to me, and she did come, and I saw her at the hotel.

6835. Was she brought by anybody?—Con O'Neil was with her.

6836. Mr. *Clerk.*] Before she made a statement to you, did you make any offer to her?—Of what?

6837. Of anything?—Nothing.

6838. You took down what she said in writing: did you read it over to her?—I did.

6839. Did she hear you read it over?—She did; and told me it was all right.

6840. *Chairman.*] She said that it was all right?—Yes.

6841. Mr. *Clerk.*] Did she tell you that Mr. Beatty had said—

Mr. *O'Malley* was heard to object to the question, and to the statement proposed to be given in evidence being received, on the ground that it was not competent, under the Common Law Procedure Act, for a party to give evidence to discredit his own witness, without the permission of the Committee; and that in this case the circumstances under which the statement was obtained, as disclosed in Mr. Henry's evidence, were not such as to call upon the Committee, in the exercise of its discretion, to receive it.

Mr. *Rodwell* and Mr. *Clerk* were heard in support of the question being put and the statement being read, on the ground that if cases like the present were excluded from the operation of the Common Law Procedure Act, it would defeat the object of the Legislature in passing that Act, and that the way in which the statement was received was perfectly legitimate.

Mr. *O'Malley* was heard in reply.

The Committee-room was cleared.

After some time the counsel and parties were called in and informed by the Chairman that the Committee had resolved that the statement proposed to be given in evidence by Mr. Henry to discredit the witness Elizabeth Stewart, be not received.

William Joseph Henry, Re-called.

6842. By the *Committee.*] With regard to the 10 *l.* paid to Mrs. Stewart, that took place at the first meeting, in the presence of Mr. Strangman?—I think Mr. Strangman was present; I am not certain. I think he was.

6843. It was Mr. Strangman who gave the money; not yourself?—It was O'Neil's hands that gave her the money.

6844. In the presence of you and Strangman: you were present?—I was.

6845. Did

6845. Did you explain, when the money passed, for what object it was?—Yes, and took a receipt expressing the object.

6846. What was the object?—To pay the expenses of Mr. and Mrs. Stewart to London.

6847. Was it as much or more than would be required for those expenses, with compensation?—It was the same amount as was given to every one else, 5*l.* a piece, to take them to London and back again.

6848. On what principle was that calculated?—A return ticket, and the expenses of the journey. A return ticket, I think, costs 2*l.* 10*s.* or 3*l.*

6849. I understood you to say, they received a ticket as well?—They received a ticket afterwards, under circumstances which I will explain.

6850. Was it more than would be required for the probable expenses of their journey and their stay in London?—I think it was less than would be required.

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6851. Have not all the witnesses who have come had tickets?—Some of them got tickets; many of them did not.

6852. You say you can explain the circumstances; what were they?—Last Monday week Mrs. Stewart came to me, having been served with a notification, and stated that she had spent the 10*l.* and could not go to London; that I might put her to gaol if I liked, but she had not a 1*s.* to go to London with. It was then that she got the tickets to bring her over.

6853. Mr. *O'Malley.*] Tickets were given to every witness, were they not?—No.

[The Witness was directed to withdraw.

Alexander Goudy, was called in; and, having been sworn, was Examined by Mr. *Clerk.*

6854. Do you live in Lisburn?—Yes.

6855. Are you a summons server for the Petty Sessions Court?—Yes.

6856. Were you engaged at all in watching during the February election for Lisburn?—Yes.

6857. Watching whom, or what?—Watching the voters.

6858. By whom were you engaged?—By William Graham and George Wilson.

6859. That is Mr. Graham, the brewer?—Yes.

6860. Who is George Wilson?—The brother of Alexander Wilson.

6861. By the *Committee.*] What is his occupation?—A carter.

6862. Mr. *Clerk.*] Where did you watch the voters?—At their own houses; I watched their own houses.

6863. When did you begin to watch their houses?—I think either the 9th or 10th of February.

6864. Do you ever remember being at Stephenson's?—No.

6865. Were you outside Stephenson's at any time?—Yes, I was outside Stephenson's; I was never in the house during the election.

6866. Did you see any of the people going away from Stephenson's at any time?—I did.

6867. Where was that? What day of the week?—Monday, I think.

6868. By the *Committee.*] What Monday was it; the Monday before Mr. Verner came into the town?—It was.

6869. Mr. *Clerk.*] The report came into the town on the Saturday night that he was coming?—On the Saturday night previous.

6870. On that Monday night, were you in the street, near Stephenson's?—I was.

6871. Will you tell me what you saw?—I saw a party with drums and fifes coming into the town.

6872. Were they Lisburn people; was it a Lisburn band?—They belonged to the vicinity of Lisburn at any rate.

6873. Do you know to what party they belonged; what kind of band do you call it?—It belonged to Orangemen.

6874. Is that the name it goes by in Lisburn?—It has no particular name.

6875. Why do you call it an Orange band?—It was not an Orange band; they were Orangemen.

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6876. How many people came into the town with the band?—I could not say.

6877. What day was it. Was it Monday you saw the band; Monday evening?—Monday evening.

6878. Are you an Orangeman yourself?—I am not.

6879. Were there many people with the band?—There were a great many.

6880. Were they Lisburn people, or people from the neighbourhood?—Some from the neighbourhood, some belonging to the town.

6881. Did they come to Stephenson's?—They did.

6882. Were there cars there?—Yes; there was a car that took a load of voters out of Stephenson's.

6883. Did you know any of them?—I did not get near enough to the car.

6884. You do not know who the people were who went away on the cars?—There was Robert Munce.

6885. Was he on the car?—I saw him come out of Stephenson's.

6886. You do not know any of the others, besides Robert Munce. Did you know them at the time?—No, I did not; I saw the men coming out. I could not identify them; the crowd was that strong. I was not near enough.

6887. The next morning did you see Alexander Downy anywhere?—I did.

6888. Where did you see him?—At William Tumblety's.

6889. Who else was there. George Hodgin and Robert Knuckle were there too, I believe?—Yes.

6890. Was that at Tumblety's?—Yes.

6891. What did you go to Tumblety's for?—For payment for that night.

6892. For your watching that night?—Yes.

6893. Were you paid at Tumblety's?—I was.

6894. Who paid for you?—Thomas Jefferson.

6895. Who is he?—I think he is a nephew of Redmond Jefferson. He is a voter.

6896. You had been engaged by Mr. Graham and Mr. Wilson?—A night or two after. I was engaged by Jefferson for that night.

6897. Were

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6897. Were there any other persons paid at the same time as you?—Yes.

6898. About how many?—60 or 70. I could not say.

6899. By the *Committee.*] Were they all paid at Tumblety's house?—They were.

6900. Mr. *Clerk.*] What did you get for your night's watching?—Half-a-crown.

6901. On the day that you were paid for your night's watching, were you engaged again to watch?—I am not certain whether it was that day or not.

6902. Were you engaged one day that week?—Yes.

6903. By whom?—William Graham and George Wilson. I was engaged to get six or seven men, and put them out to watch after voters in the town.

6904. Six or seven men to watch with you?—Yes.

6905. Did you hire these men?—I did.

6906. How many nights did you watch?—The first night we watched, the men came to me for payment. There were some of them that went round to Mr. Graham's with me for payment.

6907. How many of you went to Mr. Graham's?—Three of us. I am not certain.

6908. By the *Committee.*] These were some of the men you hired?—Yes.

6909. They went with you to Mr. Graham's for payment?—Yes.

6910. You having hired them in consequence of instructions from Mr. Graham and Mr. George Wilson?—Yes.

6911. Mr. *Clerk.*] You went to Mr. Graham's?—Yes.

6912. Did he pay you there, or where did he send you?—He gave me a few lines to the Hertford Arms, to give to Samuel Young.

6913. Did you go down to the Hertford Arms?—I did.

6914. Did you see Samuel Young?—I did.

6915. By the *Committee.*] Where?—In the Hertford Arms.

6916. Mr. *Clerk.*] In what room?—He was coming down stairs.

6917. Did Young pay you?—He did not; he told me to go back to Mr. Graham's, and said he had no change on him. I was to get it from him.

6918. Did you go back to Mr. Graham?—I did.

6919. He paid you, I believe?—He said he thought he could borrow as much as would pay me; he had it not on him.

6920. By the *Committee.*] Did he pay you?—Yes; he went out, and came in with the money.

6921. Mr. *Clerk.*] What time of the day was this?—In the evening.

6922. What time?—About seven o'clock.

6923. By the *Committee.*] Was that the time when you first went, or when you were paid?—When I was paid.

6924. What was the time you saw Samuel Young in the Hertford Arms?—A few minutes before that.

6925. Mr. *Clerk.*] What had you been doing; you and these other men, for this payment?—Watching the houses the voters were in.

6926. What houses. Who were you watching? A man they call Maxwell, and another man called Braithwaite.

6927. What is Maxwell's Christian name?—George.

6928. Who is Braithwaite?—I think Richard Braithwaite.

6929. Did you see anything of either Maxwell or Braithwaite?—I did not.

6930. Were they in Lisburn at the time?—They were.

6931. By the *Committee.*] But you did not see them?—I did not.

6932. How did you know they were in Lisburn?—I was told they were in their houses. I saw them the next morning.

6933. What is George Maxwell?—A grocer.

6934. You say you saw them the next morning?—Yes.

6935. The morning after you had watched their houses?—Yes.

6936. Mr. *Clerk.*] A short time after this, were you in Thomas Harvey's, in Bow-street, one day?—I think it was before that. I am not certain.

6937. When was it you were at Thomas Harvey's?—It all occurred in the one week.

6938. Had Mr. Verner come into the town at the time?—He had.

6939. What is Thomas Harvey?—A publican.

6940. Were they doing anything at Harvey's when you were there?—They were commencing to put down the watchmen's names.

6941. Who put down the watchmen's names?—When I went in they appointed me to do it. James Allen appointed me.

6942. Is that the shoemaker?—Yes.

6943. Is Harvey a publican in Bow-street?—Yes.

6944. How many names were put down?—I am not certain. I suppose there were 70 or 80 to the best of my knowledge.

6945. What did they have a night?—Half-a-crown.

6946. Half-a-crown each?—Yes.

6947. For every night?—Yes.

6948. Were they paid every day?—They were.

6949. Did you see them paid?—I did.

6950. Who paid them?—A man called Samuel Park and me.

6951. Where did you get the money from to pay them?—From the Hertford Arms.

6962. Where did you go to in the Hertford Arms to get the money?—I went upstairs to the front room.

6953. Whom did you see there?—Samuel Young came to the door.

6954. How did you get into the room?—Park was rather before me, and he went forward, opened the door and looked in, when Samuel Young came to him.

6955. He went in?—He did not go in.

6956. He remained at the door?—Park remained at the door outside; Samuel Young came to him when I saw him.

6957. Who gave you the money to pay these watchmen?—Samuel Young.

6958. Could you see who was in the room at the time?—I did not see.

6959. Did you see any of the gentlemen who were there?—I did not.

6960. How often were you at the door of the room?—I could not well say how often. I never was in the room during the election.

6961. Have you been at the door more than once?—Once or twice.

6962. Do you mean that you never saw anybody there in the room?

Mr. Cooke objected to the mode of examining

amining the witness, who was not a hostile witness, being at the present time in Mr. Kennedy's employment.

6963. Mr. *Clerk.*] What are you now?—A summons server to the Petty Sessions. Mr. Kennedy has nothing to do with me; it is the magistrates.

6964. Were you appointed by Mr. Kennedy or by the magistrates?—By the magistrates.

6965. Mr. *Cooke.*] Mr. Kennedy is the clerk?—Yes; he has nothing to do with me.

6966. Mr. *Clerk.*] Did you at any time see any of the people who were in the room at the Hertford Arms?—I did not, to the best of my knowledge I saw parties going in and out. That was nothing.

6967. Can you tell the committee whom you saw going in and out?—I saw George Thompson, Redmond Jefferson, Samuel Young, and all those parties connected with the election.

6968. By the *Committee.*] Who else?—Mr. Richardson of Glenmore.

6969. Mr. *Clerk.*] Anyone else?—Mr. David Beatty.

6970. Did you remain long at the door, when you went there?—No, a very short time.

6971. You went to get your money, and came away?—Yes.

6972. How often did you go for money?—I just went once.

6973. By the *Committee.*] You saw these gentlemen going in and out the Hertford Arms?—I did.

6974. Going in and out of the room, or in and out of the Hertford Arms?—In and out of the Hertford Arms.

6975. Mr. *Clerk.*] My question was whether you had seen anybody going into that room?—I cannot say that I did. I can only speak to Samuel Young.

6976. Were you near the poll on the day of election?—I was.

6977. Did you see who brought the voters up to the poll; those who polled for Mr. Verner?—A great many of them. I saw Samuel Young and a great many others.

6978. Did you go to Carrickfergus with Mrs. Dowdy?—I did.

6979. That is Alexander Dowdy's wife?—Yes.

6980. What was that for?—To look for her husband.

6981. What day was that?—I am not certain of the day.

6982. You remember the day you saw the band coming into the town; how soon after that was it, or was it before that?—After that.

6983. How soon after?—About a week afterwards.

6984. Did you find anything of Mr. Dowdy's?—No.

6985. Had anybody told you to go to Carrickfergus to look for him?—His wife. Somebody had told her that he was there, and she came to me and asked me to go along with her.

6986. Were you introduced to Mr. Verner by anybody?—I cannot say I was; not that I remember.

6987. Did you see Mr. Verner in the street?—I did.

6988. On any particular occasion did he ever speak to you, or say anything to you?—He shook hands with me once.

6989. How came he to shake hands with you? Had you spoken to him before?—Never.

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6990. What passed?—Very little conversation.

6991. Who was there beside Mr. Verner?—Samuel Young.

6992. Did he say anything to Mr. Verner about you?—I did not hear the conversation. He said something to him, and Mr. Verner came across to me, when I was standing at my own door with my wife and mother-in-law, and he shook hands with us all. He said he hoped the women would support us, if the men would not.

6993. Did you go to Belfast at all during the election?—No; I was in Belfast, but not on election business.

6994. On business connected with the court, or what was it?—No; on my own private business.

Cross-examined by Mr. *Cooke.*

6995. You say you watched at Stephenson's, outside?—No, I did not say I watched at Stephenson's, outside.

6996. Was there a large crowd of people round Stephenson's when you saw the cars going away?—Yes.

6997. Were they what are called inside or outside cars?—Outside cars.

6998. Yet you could not recognise the voters?—The crowd was very great.

6999. The crowd was very great, and you could not get near enough to see the men?—Yes.

7000. By the *Committee.*] Are you a voter?—No.

7001. You paid the men who were hired?—Yes.

7002. Did you pay any man who was a voter?—No.

7003. Did you see any man vote who was, to your knowledge, one of the voters?—Yes.

7004. What was his name?—Edward Hagg.

7005. You saw him vote?—Yes, I saw him come forward to the booth.

7006. When had you seen him paid anything, and by whom?—I did not see him paid, but he was watching in the same street with me one night.

7007. Did he form one of the 60 or 70?—No.

7008. Was he one of those whom you paid when you went to Tumbletie's?—No.

7009. Or was he one of those 70 or 80 men whose names you put down when James Allan instructed you to do so?—No.

7010. Do you mean 60 or 70, or six or seven?—I said 60 or 70 on one occasion, and six or seven on another.

7011. The six or seven were men you paid at Tumblety's house?—Yes.

7012. Did you see any other man vote who you knew was a watcher?—Not to my knowledge.

7013. What night was that he was watching with you?—I do not remember the night.

7914. What were your duties as watcher?—Watching their houses, lest some persons should come and take them away; kidnap them, as we call it.

7015. To whom were you to give your report about these men the following morning?—To the one that engaged us.

7016. You were to tell the man that engaged you?—Yes.

7017. Where did the 60 or 70 men make their reports, and to whom?—They were not bound to make reports.

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7018. Whom could you have told if you had seen a man whose house you were watching taken away?—We were bound not to let them be taken away.

7019. If you could not have helped it, whom would you have told?—There was that many of us that it was nearly impossible to get a man away.

7020. From whom did you receive your instructions whose house you were to watch?—There was no particular house mentioned, only on one occasion.

7021. Was that when you were to watch the houses of Maxwell and Braithwaite?—Yes.

7022. Who gave you instructions to do that?—Wilson and Mr. Graham.

7023. Who had given you instructions on the former occasion to watch?—Only just on that.

7024. The same occasion?—Yes.

[The Witness withdrew.

Mr. Robert Kennedy, was called in, and having been sworn, was Examined by Mr. *Clerk*, as follows:—

Mr. *R. Kennedy.*

7025. Do you reside in Lisburn?—I do.

7026. Are you a flour merchant there?—Yes.

7027. I believe you are a voter for Lisburn?—I am.

7028. You know a man of the name of Daniell Macknight?—I do.

7029. Were you a creditor of his last spring?—I was.

7030. Did you hear that there was a meeting of the creditors?—I was at the meeting.

7031. By the *Committee.*] The first or the second meeting?—I think it was the first meeting? I do not know the date.

7032. Mr. *Clerk.*] Were you at more than one?—Only one.

7033. By the *Committee.*] You were in the chair, I think?—No; I was there as a creditor.

7034. You think it was the first meeting?—I am nearly sure it was the first meeting.

Mr. *Cooke* objected to the evidence as tending to contradict the previous witness Macknight.

Mr. *Clerk* was heard in support of the evidence.

Mr. *Cooke* was heard in reply.

The Committee-room was cleared.

After a short time the Counsel and parties were called in, and informed by the Chairman that the Committee had decided that the examination of the witness might proceed.

7035. Mr. *Clerk.*] There was a meeting you say at which you were present; was that on the 18th May, do you recollect?—I do not recollect the date.

7036. Was it held at Belfast?—Yes; at Mr. Smith's office.

7037. Did you receive a circular before?—I did.

7038. Was it to that effect (*handing a circular to the Witness*)?—I think it is very likely.

Mr. *Cooke* objected to the production of the document.

7039. Mr. *Clerk.*] In the month of May, were you at a meeting in Belfast?—About that time.

7040. Was Mr. George Pelan there?—Yes.

7041. Thomas R. Pelan?—Yes.

7042. And Messrs. Bromley? — William Bromley, and John Little, the Mayor of Belfast.

7043. Was Mr. David Macknight there himself also?—He was.

7044. Where was the meeting held?—At Mr. Smith's

7045. A solicitor in Belfast?—Yes.

7046. Was there a discussion at that meeting with regard to the debt of Mr. Pelan?—There was. Mr. Pelan was returned as a creditor for 10*l.* by Macknight, and Thomas Pelan said he was due 40*l.* instead of 10*l.*

7047. Who returned himself as a creditor?—Macknight returned himself as a creditor for 10*l.* Pelan stated that he was due 40*l.*

7048. By the *Committee.*] You say Macknight returned himself as a creditor?—I mean he was a debtor.

7049. Did he return Thomas Pelan as a creditor?—He did.

7050. To what amount?—10*l.*

7051. Mr. *Clerk.*] Thomas R. Pelan?—Yes; Thomas Rutherford Pelan.

7052. Was the list read out to you all at the meeting?—It was.

7053. When the list was read out, and Pelan was returned for 10*l.*, did he make any observation upon that?—He said that he was due 40*l.*; Pelan stated that to Macknight.

7054. By the *Committee.*] Was not Thomas Pelan a brother, or were there any brothers in the case?—There were two or three Pelans there; but not related.

7055. You mean Mr. Pelan, the woollen draper and pawnbroker at Lisburn?—I do.

7056. Mr. *Clerk.*] Did any discussion take place with Mr. Pelan as to the nature of the debt?—Macknight told him that he got very good value for the 30*l.*, and was only due 10*l.*

7057. What occurred in the room at that time?—It was generally understood.

7058. Tell us what occurred. What did the creditors say or do?—They laughed at each other, and understood the thing; that it was meant as a bribe.

7059. When Macknight said that he had given good value for the 30*l.*, did Pelan make any observation to that?—I do not recollect that he did. I do not recollect what he said.

7060. By the *Committee.*] You don't recollect what he said, or whether he said anything?—I don't recollect at this moment what he said.

7061. Mr. *Clerk.*] Do you recollect whether he made any observation at all about it?—Yes; he made an observation.

7062. Sometime afterwards Macknight was made a bankrupt?—He was.

7063. By the *Committee.*] Were you in the chair at this meeting?—I was not.

7064. Not on either occasion; you say you only attended one meeting?—I only attended the first.

7065. You were not in the chair?—I was not.

7066. Mr. *Clerk.*] Was any one in the chair?—I do not recollect.

7067. By

7067. By the *Committee.*] Was there any other Robert Kennedy present at the meeting but yourself?—None but myself.

7068. Mr. *Clerk.*] You took an active part, I believe, in the election of February at Lisburn?—I did.

7069. Are you an uncle of Mr. Barbour who was returned in February?—I am.

7070. Were you engaged at that election in canvassing for your nephew Mr. Barbour?—I was.

7071. Do you know a man of the name of Kenny Boomer?—I do.

7072. Has he a nickname?—He is called "the Fox."

7073. Did you canvass him to vote for your nephew?—I did.

7074. A short time after you had seen "the Fox," did you meet Redmond Jefferson in the street?—I did.

7075. When you met Redmond Jefferson in the street, did you stop to speak to him?—I did.

7076. Do you remember who spoke first. Do you know what either of you said, or how the conversation began?—I do not recollect who spoke first.

7077. Do you recollect anything that Jefferson said to you?—I spoke to him about the price he was paying for votes. He accused me of raising the price of votes.

7078. By the *Committee.*] Raising the market?—Yes, raising the market price of votes.

7079. Mr. *Clerk.*] Was there a price current at that time?—It was 10 *l.*, 15 *l.*, and 20 *l.*

7080. Had anything been said to you at the commencement of the conversation, about the price of the day?—The conversation was that he accused me of raising the price, and I said it was he that had raised it.

7081. You accused him?—Yes.

7082. What did you tell him upon the subject?—I told him that the man, Kenny Boomer, had told me that he (Jefferson) had offered him 25*l.*

7083. By the *Committee.*] Was Boomer there?—No, he was not present.

7984. You say, "He told me that he (Jefferson) had offered him (Kenny Boomer) 25 *l.*"?—Yes. He said—I think the expression was—it was "an infernal lie," that he had only offered him 15 *l.*, but that I had offered him 25 *l.*

7085. Mr. *Clerk.*] Had such discussions ever taken place on the vote exchange before?—Frequently.

7086. By the *Committee.*] Do you mean there had been frequently conversations of this sort at the February election?—I do.

7087. With you and any other person?—With Jefferson and me, and Samuel Young, and Henry Major.

7088. Is he called Henry Major?—Yes.

7089. Mr. *Clerk.*] After this conversation did you come to any arrangement with Jefferson about Boomer?—I did. I arranged with him not to have Boomer at any price, and that neither of us would pay him.

7090. How was that arrangement to be carried out?—I arranged if he would vote for us.

7091. Who?—If Boomer voted for us I would vote for Verner, and if he happened to vote for the opposite side, Jefferson would vote for us.

7092. By the *Committee.*] If Boomer voted for Barbour, you would vote for Verner?—Yes; and if he voted for Verner, Jefferson was to vote for Barbour.

7093. Mr. *Clerk.*] Was Samuel Young present when that arrangement was come to?—He was.

7094. On the polling day was there some dispute with regard to this arrangement come to revious to the election?—There was.

7095. Could you say about what time in the day it occurred?—It was early in the morning. Jefferson stated to me that he would vote.

7096. You say there was a disagreement about this on the polling day?—Yes.

7097. Can you fix the date when the agreement took place?—I could not.

7098. On the day of the election you say a disagreement took place about the bargain?—Yes. Jefferson stated to me that he himself intended to vote. I asked him if that was the way he intended to carry out his arrangement. He said he would vote at 10 o'clock; that as soon as 10 o'clock struck he would vote.

7099. He told you that on the polling day?—Yes.

7100. Had the poll commenced?—Yes.

7101. What time does it begin?—It was eight or nine o'clock.

7102. What did you say upon Jefferson saying that he should poll as soon as it struck 10?—I asked if that was the way he intended to keep his arrangement with me. He said there had been no time mentioned, and as soon as 10 o'clock struck he would poll. We then referred to Mr. Jefferson.

Mr. *O'Malley* objected to the reception of the evidence respecting Kenny Boomer, on the ground that the alleged statement of Jefferson respecting it, formed no part of the *res gestæ.*

Mr. *Clerk* was heard in support of the admission of the evidence.

Mr. *O'Malley* was heard in reply.

The *Chairman* stated that the committee would take time to consider the objection.

[Adjourned to To-morrow, at Eleven o'clock.

Veneris, 18° *die Martii*, 1864.

HUGH E. ADAIR, Esq., in the Chair.

The Names of the Members were called:—All present.

The *Chairman* announced that the Committee had considered the objection made by Mr. O'Malley yesterday to the evidence of Mr. Kennedy, and had come to the conclusion that the same should be received.

Mr. Kennedy recalled.

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7103. Mr. Kennedy, you told the Committee yesterday that on the polling-day you saw Mr. Jefferson, and asked him whether he intended to keep his arrangement; and he said that there was no time mentioned, and he would poll?—He said that he would poll.

7104. Do you think that he had polled?—He had not.

7105. Was Mr. Richardson of the island near you at that time?—He was.

7106. Was Mr. Richardson of the island taking any part upon any particular side at the February election?—He was there as a magistrate.

7107. But did he take any part on either side as a partisan at the February election?—Not particularly; but he voted for Barbour.

7108. Had Mr. Jefferson any conversation with Mr. Richardson of the island upon the subject of the matter referred to Mr. Richardson?—He had spoken to him about it. I told him the arrangement.

7109. *Chairman.*] Had Mr. Richardson of the island any conversation with Mr. Jefferson in your presence?—He had, in the street.

7110. Mr. *Clerk.*] Will you tell us what passed between Mr. Jefferson and Mr. Richardson on the subject?—I referred to him, and told him of the arrangement.

7111. In Mr. Jefferson's presence?—It was.

7112. What did Mr. Jefferson say to that?—He told me that he would be there; but no time was mentioned; and he would vote.

7113. Was any time mentioned?—And he intended voting at ten.

7114. I understood you to say yesterday "we," which do you mean "I" or "we"?—We just spoke it over to Mr. Richardson, and told him the arrangement in the street.

7115. *Chairman.*] Did Jefferson make any objection to your mentioning it to him?—No; I think the arrangement was pretty well known in the town.

7116. Mr. *Clerk.*] Upon that, at 10 o'clock, Jefferson went and did so?—He said that he would; and I think he did attend; but I do not know the time.

7117. Do you know if Mr. Richardson of the island made any reply in Mr. Jefferson's presence when the matter was referred to him?—I do not recollect what he said; but he said something.

7118. You say that he was at the poll as a magistrate?—He was outside.

Cross-examined by Mr. *Cooke.*

7119. Mr. Strangman is a nephew of Mr. Richardson, the petitioner; a relation?—I do not know; he is some friend.

7120. Do you not know that he is a nephew?—I do not know.

7121. A relation?—I know that he is a relation; but not what.

7122. By the *Committee.*] Mr. Strangman is his clerk?—Manager and clerk.

7123. *Chairman.*] When you say that he is a relation, do you mean that he is Mr. Richardson's confidential manager of his business works?—Yes, I think he is.

7124. Because I need not suggest that there are a hundred managers of the linen works in the north of Ireland; but you mean that he is his head manager?—I know that he was in his employment.

7125. Mr. *Cooke.*] Upon what day was this conversation held?—I could not say; the conversation with Mr. Jefferson was on the day of poll.

7126. The first conversation you mean; about the price of votes?—Some days before that.

7127. Do you remember what day that was on?—I do not.

7128. When was it?—It was during the canvass.

7129. In February?—Yes.

7130. But did you not tell the Honourable Member what day that was on; the day of the month, or the day of the week?—I do not recollect.

7131. Was Mr. Verner canvassing?—It was after he came into the town.

7132. And his address was issued?—Yes.

7133. How do you know?—Because there was nothing of the kind done till he had come.

7134. You told me a minute ago that you did not know the day of the month or week?—I know that it was during the election.

7135. How long after Mr. Verner came in was the election?—He came on Tuesday, and it was like the Saturday week.

7136. And you do not know at all what day this conversation took place?—I do not.

7137. Was

7137. Was it soon after he came, or late in the canvass?—It was a few days before the election; about three or four days, I think.

7138. During the week of the election?—He was only there from Tuesday to Saturday week altogether: about 11 days.

7139. Do you remember if Boomer voted?—He did not.

7140. You have no recollection of what day in the week that conversation took place?—The conversation with regard to Richardson was on the day of the poll.

7141. Not the same conversation with reference to the market price of votes?—That was some days before the election; but I do not know exactly.

7142. Was it there that you offered Boomer any more money, 15 *l.*, 20 *l.*, or 25 *l.*?—He asked me when I went to him.

7142. But did you offer him any money?—No; I had gone in, and the first thing he said was, that he intended to vote for who would pay him; and I told him it was straightforward talking at any rate; and he then asked 25 *l.*, and afterwards he asked more, I told him that we did not require any voters, or to pay any, as we had a good majority.

7144. He asked you 25 *l.*?—He asked me 25 *l.*

7145. Was it true that you offered him 25 *l.*, or not?—No.

Chairman.] The witness said 20 *l.*

7146-7. By the *Committee.*] Any sum?—£.25 it was.

7148. Mr. *Cooke.*] You have told us that Mr. Jefferson told you that he had told him you had offered Boomer 20 *l.*, or 25 *l.*, or 15 *l.*, was it?—£.25.

7149. Was it true?—It was not. That was the reason that we made the compact. I told him what Boomer had said, that he had been offered 25 *l.*; and he said Jefferson was an infernal scoundrel, and said that he had offered more.

7150. You told me that he said Jefferson was an infernal scoundrel?—Jefferson said Boomer was.

7151. He said that it was an infernal lie, he had only offered 15 *l.* to Boomer; and Boomer had told him that you had offered him 25 *l.*?—That was it. In consequence of that offer, we made the compact.

7152. *Chairman.*] Then. you immediately say, "We came to Jefferson for neither to vote"?—Neither at all.

7153. By the *Committee.*] But what was the reason of your coming to an arrangement?—Because we thought that he was humbugging us both, and putting one against the other. He said to Jefferson that I had offered him the money, and to me that Jefferson had; and we wanted to disappoint him altogether of the money.

7154. Mr. *Cooke.*] So that Jefferson was not desirous of giving him the money any more than you?—No; it was such a disappointment and punishment to him.

7155. So that Jefferson did not propose giving him this money?—No; he did not want either of us to.

7156. Then it was agreed between you that, as he was a man who could not be got without money, neither of you would give him the money, or take his vote on behalf of your candidates?—That was the arrangement come to.

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Examined by the *Committee.*

7157. Did Mr. Jefferson say to you that the conversation between himself and Mr. Boomer, when Mr. Jefferson canvassed Boomer, had been in the same words or to the same effect as the conversation that had passed between you and Mr. Boomer, viz., that, as you told us, Boomer asked you for money; and did Jefferson tell you that Boomer had asked him for money?—Yes, and that he had given him an offer of 25 *l.*

7158. And he told you that Boomer had put the same conversation and made the same overtures to him?—Yes.

7159. And you thereupon agreed neither of you to take his vote?—Yes.

7160. And I understood you to state, in your examination-in-chief yesterday, that Jefferson said he had only offered Boomer 15 *l.*?—Yes.

7161. Am I to understand that Jefferson said to you that he had offered Boomer 15 *l.*?—Yes.

7162. You swear that this was the case—that Jefferson told you in that conversation he had ——?—He had only offered 15 *l.*

7163. *Chairman.*]—But you told me a moment ago, Mr. Kennedy, that Jefferson told you Boomer had made to him the same overtures that Boomer made to you?—Yes; he wanted 25 *l.* from him.

7164. And that thereupon you both agreed to baulk him of the money?—That neither of us should have him.

7165. When you went to Boomer, what did you say to him?—I asked him for his vote.

7166. What did he say to you?—He took me down into the kitchen, and said that he would vote for whichever side paid him best.

7177. When he said that, did you say anything to him?—I talked to him about what he wanted, and said that we did not require to pay anything, neither did we; we had enough voters. After that I left him.

7178. When did you next see Boomer?—I saw him a day or two afterwards.

7169. Before you had had this conversation with Jefferson?—Oh, yes, I saw him before then.

7170. Where?—In his house.

7171. Did you call upon him?—I did.

7172. And as you called upon him what did you say, when you went into his house a second time?—I asked him if he had made up his mind for him to vote.

7173. What did he say?—He had not; and he had been to see Jefferson, and would not vote until he would see what he could do. He would not vote under 25 *l.*, but he would give me the preference at the price. I told him that I would have no occasion for him at present; but he was to get it, if he could, from other parties; we would not give it him.

7174. You had no occasion at present?—He told me that he had been offered 25 *l.* by Jefferson; and it was in consequence of that I spoke to Jefferson. I met him in the street, and spoke to him.

7175. Did anything more occur at Boomer's after Boomer told you that Jefferson had offered him 25 *l.*?—No.

7176. Did you see Boomer again?—No, I did not, after I saw Jefferson.

7177. When did you see Mr. Jefferson?—The same day I saw him up street, and told him of the conversation, and we then went in and made

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the arrangement. It was in the presence of Major and Sam Young.

7178. You said that Sam Young was present?—At the making of the arrangement.

7179. Was anybody present at the conversation between you and Jefferson?—I think that Sam Young was present.

7180. Sam Young was present at the conversation about the money that Boomer said had been offered by you and Jefferson?—I think so, but I am not sure; I know he was at the arrangement.

7181. Are you sure that Sam Young was present when Jefferson stated he offered 15 *l.*?—I am not sure about him being there, but I am sure that he went in with him about the arrangement. He was one of the witnesses to the compact that we had made; he was upon their side, and Major was upon our side.

7182. At the arrangement?—Yes.

7183. Were you in Lisburn from the Saturday previous to Mr. Verner's coming into the town to the day of polling?—I was in the neighbourhood, but not in Lisburn.

7184. When did you first go into Lisburn?—I came up on the Monday morning, the Monday before he came, I think.

7185. "He" (Mr. Verner) came?—He came on the Tuesday.

7186. Was there much excitement in the town at that time?—There was a little excitement after I came up on Sunday evening, having been at Bangor. I then heard that they had taken away some of our voters; that was the first thing I knew of on coming into the town.

7187. Was there any canvassing going on before Mr. Verner's arrival?—There was.

7188. Upon both sides?—There was canvassing for Mr. Bateson; Mr. Bateson had retired, and then Mr. Verner came, 10 days afterwards.

7189. For whom was the canvassing on the Monday previous to Verner's coming?—I do not know of any.

7190. Had you heard, or did you know then, that any voters on either side had left the town?—I heard upon Sunday evening.

7191. Well, was there much excitement during the 10 days preceding the election, whilst Mr. Verner and Mr. Barbour were canvassing?—There was. Upon that Monday evening more men came into the town; and I think it was the Monday evening that they removed the men that had been taking the voters. A number of voters were then in a house in the town, and were taken away upon the Saturday. Upon the Monday the mob came, and removed them from the house.

7192. What house?—Stephenson's.

7193. Were any men confined in Mr. Barbour's?—There were.

7194. Where was that?—At Hildon.

7195. In Mr. Barbour's own premises?—Yes; but not at that time. It was afterwards; during the canvassing, and previous to the election.

7196. At what period of the canvass were these men taken to Barbour's and confined?—It was a few days before the election.

7197. A few days before the Saturday; the polling day?—Yes.

7198. Were you at Hildon?—Yes.

7199. Did you see any voters for Lisburn there?—Yes.

7200. And did you know them?—I did.

7201. Did you know how they voted on previous occasions?—I did.

7202. Had they been on the Conservative or the Liberal side?—Richardson was a Liberal Conservative, and they voted for him.

7203. Mr. Richardson, of Lanbeg?—Yes.

7204. They were voters for him?—They were.

7205. Were you often at Hildon?—I think I was there twice.

7206. When you were there upon those two occasions, were you in the room or rooms in which any of these men were confined?—I was.

7207. Did you see any of them attempt to get out?—No.

7208. Did they make any application to you, or did you hear them make any application to get out?—I did not.

7209. Did you know of any application for the presence of additional police during the election?—Yes, I did.

7210. Were any extra police brought into the town?—Yes, a large force.

7211. When?—A few days previous to the election.

7212. Do you know whether they came in consequence of a requisition?—Yes, we expected a large mob.

7213. When you say "we" who expected, who do you mean expected?—I mean that the townspeople expected a riot, and also that there would be a large mob of Orangemen.

7214. What more?—An application was then made for the police.

7215. Do you know by whom the application was made?—I think Mr. Richardson.

7216. Which?—The Islander, I think.

7217. To whom was it made?—I understood that it was made to the Lord Lieutenant; but I am merely answering from supposition; I am not certain.

7218. Is there a resident stipendiary magistrate at Lisburn?—No.

7219. Is there any Mr. Richardson except Mr. Richardson of the Island, a magistrate for the borough?—The late Member is, but he was not at home, or not well.

7220. Was he at home at that time?—He was confined to his house, as he had been unwell for some time; Mr. Richardson, of Lanbeg.

7221. Is Mr. Barbour, the late Member, a magistrate?—He is not; his father is a magistrate.

7222. Do you know this; whether Mr. Barbour made any requisition for the presence of extra police?—I think that he did, but I am not sure; I believe that he did.

7223. Did Mr. Barbour's friends and supporters unite together in any way to parade the town. I do not say the voters, but the friends and supporters; did they parade the town?—No.

7224. Am I to understand that no collection of people in the interests of Mr. Barbour paraded the town?—No, except the workers; the workers came up, but I do not think it was by arrangement.

7225. I ask if any who took an interest in Mr. Barbour's election paraded the town during the canvass?—Oh, yes; there were a number of workers came up; the workers of Mr. Combes, and his own.

7226. And they paraded the town?—They were in the town.

7227. Did

7227. Did you see them walking through the town in a body?—I did not; not that I know of. There was excitement going on all the time.

7228. Did you know of any attempt being made to obtain any of Mr. Verner's voters by any one in the interests of Mr. Barbour? — I heard of it, but I do not know; I heard of parties who tried to get them out of the houses, but I do not know it.

7229. Were the police called upon to act on any occasion for the protection of houses, or to clear the streets, or to do any act of that sort?—I think so; several riots took place.

7230. When you say riots, do you mean nightly or daily, or day and night?—Mostly at night; I think that there were two riots, and racking houses occurred.

7231. Whose houses? — John Miller's and M'Call's.

7232. Where is Miller's house?—In Market-square.

7233. What is he?—A baker and flour merchant.

7234. In whose interest was he?—In Barbour's interest.

7235. Who else?—Hugh M'Call's.

7236. What is he, and where does he live?—He is a pawnbroker.

7237. Where does he live?—In Bone-street.

7238. Who did he vote for?—Mr. Barbour.

7239. Well, any one else?—The hotel, the committee-rooms.

7240. Which?—M'Creight's.

7241. The committee-rooms, they were?—Yes, and Connolly's.

7242. The committee-rooms; whose committee-rooms?—Mr. Barbour's.

7243. Well, then, who else?—Connolly was another.

7244. Who is he?—He is a party who kept a public-house opposite the committee-room.

7245. Is he a "Barbour man"?—He is.

7246. Well, were there any others?—I do not recollect any more at present.

7247. Do you recollect whether any houses of people, in the interest of Mr. Verner were racked as well?—Oh, yes, a good many.

7248. Whose houses were they?—I think that they lay on the opposite side to where their committee-rooms are.

7249. Where was that?—At Lennon's.

7250. Is that the Hertford Arms?—That is the Hertford Arms; I think Stephenson's house; I know that there were some, but I do not recollect which.

7251. When was Stephenson's house racked, as you describe it?—During the contest, I think.

7252. But early at the contest, or in the middle, or at the end?—I think that it was early.

7253. How early, do you know?—I think that it was early on Monday night.

7254. The evening before Mr. Verner came in?—I think so, but I am not sure.

7255. Any other houses?—I do not recollect any other at present. There may have been, likely, but I do not recollect.

7256. What do you mean by the word "racked"?—Breaking windows and sashes. They were all broken at Miller's house. They broke them with sticks and stones.

7257. Did they destroy the furniture, or the outside only?—Oh, no, they merely broke them outside.

7258. Upon this occasion which you have stated, do you know whether the mob tried to get into the house, or only broke windows, and that sort of thing?—Only that, as far as I know, except at Connolly's, where they turned off his whiskey, and turned the cocks off, and made it go on. That was the public-house.

7259. Had this mob any particular designation; were they called "The Roughs," or "The Reds," or "The Blues," or anything else?—They were merely mobs, "Vernerites," and "Barbourites."

7260. Did you ever hear of an active party called "The Butchers"?—Yes.

7261. In whose interest?—In Barbour's interest.

7262. And what was seen of their performances?—Merely to watch the voters, to see what was going on about the town, and bring in information.

7263. The mobs were more detective police than anything else?—Partly that, and partly to protect the voters.

7264. Then, they were always on the defensive, and never offensive? — They took voters away when they wanted them, and went messages.

7265. When you say took voters away, what voters do you mean?—Voters of ours, of Barbour's. If we wanted to send anyone away in a car, we sent these men with them.

7266. They were to guard the cars, and watch the voters, carry messages and bring information?—Yes.

7267. They were never to do anything unless the cars were attacked?—I do not know. I know they did that.

7268. From whom did they receive orders?—I do not know.

7269. Where did they meet before they went into the town?—I do not know. They met about at any time. If I wanted them, I sent for them.

7270. How did you know who were the "butchers," and who were not?—I saw them constantly about the place.

7271. Did they wear any distinguishing mark, or not?—I knew them all.

7272. How much were they paid?—I do not know.

7273. You had nothing to do with the organisation of these police?—Nothing.

7274. Did you find them very useful?—They were.

7275. And you had plenty of employment for them?—They had.

7276. Suppose a voter in the Barbour interest was alarmed as to his personal safety, what steps did he take to protect himself? Did he give information at Mr. Barbour's committee-room; what did he do?—I only know of one party who did; one party came to me, and asked me to send him away.

7277. Did you comply?—I did.

7278. Where did you send him?—I sent him to Hildon.

7279. Do you wish the Committee to understand that this man would not have been able to preserve his personal safety and exercise his vote, if you had not sent him away?—I do not know, but he asked me to do so.

7280. Do you yourself think that that man would have been seriously molested if he had remained in his own house?—He was a man who lived in the country partly, and he said that he was afraid to remain.

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7281. Had you any application from voters of Barbour's living in the town, to protect them by sending them to Hildon or elsewhere?—I had not.

7282. Did anyone tell you that they had such an application?—We sent them. I wished them to go. He was afraid in this instance. I had from this man an application to send him away. He came to me personally.

7283. You never sent anyone to Hildon, except you previously knew that he was a Barbour man?—No, we supposed them to be that.

7284. Did you ever see anyone at Hildon who had voted against Mr. Barbour on a previous occasion, and for the Conservative candidate?—I do not recollect.

7285. By the *Committee.*] Were you a party to arming the peaceful "butchers" with the bludgeons produced?—I never saw anything of that.

7286. You never saw an unfinished policeman's staff?—I had nothing to say to that.

7287. With regard to Hildon; you say that Barbour's voters were useful at Hildon; was that in an old office near the works at Hildon?—It was partly there.

7288. Can you inform the Committee the first occasion upon which that house or that room was used for the purpose of having voters in it?—I do not recollect. It is during the election. It all occurred within 10 or 11 days or so.

7289. I want to call to your recollection the exact date. What was the date that Mr. Verner appeared as a candidate?—Upon the Tuesday.

7290. Were there any voters confined at Hildon?—There were not.

7291. Were there upon the Wednesday, do you know?—I do not suppose that there were for a day or two afterwards.

7292. And I think that I understood that some of the voters had been taken to Stephenson's?—Yes, to Stephenson's.

7293. To Stephenson's before that?—Upon the Saturday night before Mr. Verner came into the town.

7294. Had you any other conversation than you have given with Mr. Richardson with regard to the election?—Frequently.

7295. Had you any conversation with regard to a petition likely to be presented?—At the declaration of the poll.

7296. What conversation had you then?—He signed the return, and he asked should he sign it.

7297. Who?—Mr. Miller.

7298. Who is he?—Mr. Miller is a voter in Lisburn. He stated there was no harm in him signing it, and Miller said no, unless he intended to petition, and if he did he should not sign it. He said that there would be no petition. This was at the declaration of the poll of Barbour's return upon the Monday after the election.

7299. *Chairman.*] Mr. Jefferson, as an elector, signed the return?—There were four, I think.

7300. He was one of Mr. Verner's friends who signed?—He was.

7301. Had you any conversation with Mr. Jefferson before the day of the election with regard to a petition which might follow from the election?—No, I had not.

7302. By the *Committee.*]—Do you remember whether any armed men were about Barbour's works during the February election?—I do not know. I heard there would, but did not see it.

7303. You never saw any men stay guarding the room in which the voters were placed?—Barbour's and Richardson's of Glenmore are adjoining, and it was to protect the voters from the men as far as I know.

7304. Did you ever see any armed men or any men placed so as to guard the room in which the voters were placed?—I never did, not with arms. I heard that they were there, but did not see.

7305. At what time of the day were you there?—I was there about one or two o'clock.

7306. How long did you stay upon these occasions?—About five minutes. I never saw the men in the old office.

7307. Have you any doubt whether the men were employed?—I have no doubt whatever that the men were employed.

7308. But was that to prevent an attack upon Mr. Barbour's room at Hildon, or to keep the voters?—I think both.

7309. But if that were so, how do you reconcile that with the account given that these voters came and desired to take refuge?—I say one man, not all, and I wish to convey that impression.

7310. *Chairman.*] I understand from you that only one man asked you?—Only one that I know of. The others came partly of their own will, and partly were coaxed.

7311. Being there, they never left again till the poll day?—Some of them did.

7312-13. Do you remember up to which day the men remained at Hildon?—They came up the day before into the Committee-room.

7314. Where did they go?—To the Committee-room.

7315. M'Creight's?—Yes.

7316. By the *Committee.*]—Do you know that; were you there?—I was.

7317. Was it the night before?—They all stayed there during the night.

7318. *Chairman.*] Was it subsequent to Barbour's men going into the Committee-room that the attack was made, or were the Committee-rooms attacked previously?—They were previously attacked.

7319. *Chairman.*] Was it some of the brigade of "butchers" who were on duty at Hildon?—Some of them, I think, and some of them Barbour's own men.

7320. And did Glenmore's and Barbour's meet close together?—They did.

[The Witness withdrew.

MR. JONATHAN JOSEPH RICHARDSON, was called in; and, having been Sworn, was Examined as follows; by Mr. *Clerk.*

Mr. *J. J. Richardson.*

7321. MR. JONATHAN JOSEPH RICHARDSON, you have a property at Lisburn, called the Island?—I have.

7322. Are you a justice of the peace for the counties of Antrim and Down?—I am.

7323. You are also a justice of the peace for the borough of Lisburn, or has Lisburn a separate commission?—It has not; I may explain that part of Lisburn is in Antrim and part in Down, and I have a commission of peace for both.

7324. I believe

7324. I believe that you were Member for Lisburn from October 1855 till the dissolution of Parliament in 1857?—Yes.

7325. I believe that there is a Mr. Greig, also a justice of the peace for Lisburn?—For Antrim and Down.

7326. Well, he is for both counties?—He is the Chairman, or generally resides at the petty sessions at Lisburn. He is the senior magistrate.

7327. And Mr. Stannus is, I believe, also a justice of the peace?—Yes, for both counties also.

7328. Is that the Dean?—No, his son, Walter Trevor Stannus.

7329. Were these two gentlemen from home at the time of the February election?—They were present upon Tuesday morning, when the requision was signed for the police force.

7330. Which Tuesday?—Tuesday, the 9th February.

7331. They were at home?—They were on that date.

7332. Is that the same day that Mr. Verner entered the town?—Yes.

7333. Had there been a disturbance in Lisburn, in consequence of which the requisition was made for additional police?—Considerable disturbance upon Tuesday night.

7334. When did the disturbance first begin?—I have heard that there was a disturbance on Saturday.

7335. You were not in the town then?—I have a place in the country at Kircassock; and generally reside there half the year; at this time, my land steward was on his death-bed, and it was my intention to spend the night at Kircassock, coming to Lisburn every day.

7336. During the days preceding the Saturday of which we have heard, in what state had the town been?—From the 19th January till the Saturday, the 7th February, the town was quiet.

7337. The 19th January, is, I think, the day upon which Mr. Bateson retired from canvassing the borough?—His retirement appeared in the "Belfast News Letter" of that date.

7338. From that date to the 7th, the town was quite quiet?—Yes, there was a little excitement consequent upon the approach of the election; but I think I may correctly describe the state of the town when I say it was quiet.

7339. There was no candidate, I think, for the representation, as we have heard, from Glenmore Richardson, upon the retirement of Mr. Bateson to the 10th February?—No, there was not. Perhaps it would be no harm to mention, for the information of the Committee, that I have been told by Mr. Richardson of Glenmore upon Saturday, that Mr. Bateson elected to retire, and he invited me to become the Conservative candidate to oppose Barbour.

7340. That you declined?—I told him that I had mentioned to Barbour upon the 5th January that I would not vote against him, and the probability was that I should vote for him.

7341. Did you join in the requisition for an additional police force?—I did.

7342. Had Mr. Richardson a deputation from the sheriff to act upon his behalf during the Lisburn election?—Yes, a deputation dated, I believe, the 19th of January.

7343. To act in that capacity?—The deputation will speak for itsel.

7344. What was it?—To act for the sheriff in his name during the election; particularly as regards the preservation of the peace.

7345. Was Mr. Orme, stipendiary magistrate, or resident magistrate of Belfast, sent for to attend at Lisburn?—Mr. Orme came in for the first time, I believe, with 50 policemen, on the evening of Tuesday, the 10th February.

7346. Do you remember upon any occasion, your being sent for to the Hertford Arms?—Yes, I do.

7347. Did you go there with Mr. Orme?—Mr. Orme and I were walking in the street, in the roadway. A person called Mr. Orme to the foot pathway, but I did not hear the conversation. Mr. Orme called me over, and said that Mr. Richardson of Glenmore desired to see us at the Hertford Arms.

7348. You did go; do you recollect about what time; can you fix the day?—It was, so far as I can remember, the 14th February; I believe that was the day.

7349. Now, into what room, or where did you go at the Hertford Arms?—I think that Mr. Richardson met us upon the stairs, and we were shown into a large room, in which there was a table and a desk at one end.

7350. *Chairman.*] He met you upon the stairs?—He met us on the stairs.

7351. That is, Glenmore met you on the stairs?—He showed us to a large room.

7352-3. Well, in it there were?—In which there was a long table, several chairs, and some people sitting round it.

7354. Who was in the room besides Mr. Richardson of Glenmore?—Mr. Beatty there met or accompanied us into the room.

7355. Did Glenmore go into the room with you?—We scarcely entered the room, and I will tell you the reason.

7356. Was Mr. Richardson, when you arrived at the door of the room, in front of, or behind you?—I believe he was in front.

7357. Mr. *Clerk.*] Give us your own account of what happened when you got to the door of the room?—Mr. Orme said, "What are these gentlemen doing here?" Mr. Beatty replied, "This is Mr. Verner's Committee."

7358. Mr. Beatty said so?—"This is Mr. Verner's Committee-room."

7359. Where was Mr. Beatty when he said this?—In the room.

7360. Did you see any of the other gentlemen in the room; who were they?—I believe Mr. Moore, Mr. Verner's conducting agent, was seated in the room. Mr. Orme said, "this is no place for us, we must leave it at once."

7361. Did you then leave the door of the room?—Mr. Orme proposed that Messrs Beatty and Richardson should accompany us to his own room in the Hertford Arms.

7362. Whose?—Mr. Orme; he was staying at the hotel.

7363. By the *Committee.*] Mr. Orme proposed that Mr. Beatty and Glenmore —?—Should accompany me to Mr. Orme's room.

7364. Did you go to Mr. Orme's room?—We went to Mr. Orme's room, and I think that Mr. Beatty produced a bludgeon.

7365. Did he ask you or Mr. Orme for a search warrant?—He said that he understood it was a sample of 1,000 which were being made at Hildon; that they knew the name of the party that was making them, and that they understood a cart-load had been brought into Lisburn the previous night. Mr. Orme said, "You must give us more precise information."

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7366. But what was it that Mr. Beatty asked you?—I will tell you presently.

7367. "More precise information," before what?—Before we could act in the matter.

7368. He might as well ask before as after the application?—Mr. Beatty sent for his nephew, William Graham.

7369. The gentleman who is a brewer?—He is a brewer. Graham told us a somewhat similar story, except that we understood from him that there was a covered cart, filled with these bludgeons up to the level of the seats, taken away on the previous night for the supporters of the Barbourites. I believe that it was Mr. Orme; but it was either he or I asked Mr. Graham if he would prove who was his authority. Graham mentioned the name of a man of very loose character, called Guager Best. Guager is not his proper name; I do not recollect his Christian name at present, but he is only known by the name of Guager Best.

7370. *Chairman.*] Is he an exciseman?—No.

7371. If he is called Guager, how do you spell it; is it Cadger?—Guager; it is a sort of nick-name.

7372. By the *Committee.*] He is a cadger, perhaps?—Oh, no; I cannot tell you why.

7373. *Chairman.*] What did Mr. Orme say when he heard of Guager or Cadger Best?—He requested the gentlemen to withdraw till he might consider the matter; and upon Messrs. Beatty and Richardson entering the room, Mr. Orme stated that, in the absence of a very strong affidavit, he thought there would be a considerable difficulty in acting in the matter.

7374. How was he requested to act; what was he asked to do?—To proceed to the Queen's Arms and seize these bludgeons.

7375. Was anything produced before you on that occasion?—There was.

7376. Did you see any of these in the town previous to or during the election?—I am not certain that I did.

7377. I mean in the hands of the people in the streets; of course, you saw one in the room?—I am not certain I did. I believe that the police captured some, perhaps half-a-dozen.

7378. By the *Committee.*] Bludgeons or people?—Bludgeons.

7379. Mr. *Clerk.*] Were there a good many people taken up for rioting during the canvass and previous to the election day?—I think there were about 14 arrested on the night of Tuesday, the 10th February. I do not know whether it would be proper to tell you Mr. Orme's account.

Mr. *Clerk.*] No.

7380. *Chairman.*] You had 14 people taken up?—On the night of Tuesday.

7381. For what reason?—Rioting.

7382. Were they brought before you as one of the magistrates acting for the county?—They were.

7383. On the following morning?—Wednesday morning.

7384. Before you saw Mr. Orme?—Yes.

7385. Were the charges against one side or both sides, the Vernerites or the Barbourites, or both?—They were against the Vernerites.

7386. Were the charges against the Vernerites?—On that day?

7387. On any other day, were some of Barbour's friends or mob brought up before you on charges of rioting also?—Warrants were applied for against persons for rioting on the night of Monday the 9th.

7388. Were they brought before you?—Some of them were.

7389. By the *Committee.*] What night were they brought before you?—On the Saturday following. The persons were arrested on the 10th, and brought before Mr. Orme and me on a remand in custody for Saturday, which was the regular petty sessions day.

7390. You had then disturbers of the peace on both sides?—We had.

7391. Did you take, yourself, any part in that election; you say you voted for Barbour; did you take any part in the election before the polling-day?—No, I did not.

7392. Have you a young man of the name of Allister, an apprentice?—Yes.

7393. What is his age?—I think he is about 20 years of age.

7394. By the *Committee.*] He is now about 20, what was he then?—Nineteen, so far as I know.

7395. Mr. *Clerk.*] He has been on the register, I believe, some time?—Yes.

7396. Now, in consequence of some information you received did you write a letter?—Yes.

7397. You sent that letter, I think, to the Hertford Arms?—I did.

7398. Did you afterwards receive a letter from Glenmore Richardson, which was read in this room?—The letter was the first intimation I received.

7399. And you did not know that Allister had been removed, until you received Glenmore Richardson's letter?—Allister, I believe, left his work on the Island at 6 o'clock.

7400. What day?—The 12th February.

7401. Six in the evening?—Six in the evening, on the factory ceasing to work.

7402. When did you receive that letter?—I believe about half-past seven.

7403. Did the lad come home?—I rather think he was at his work the next morning. The next day I am certain he was.

7404. Do you know how he voted?—For Verner. I never asked him to vote until the 25th June.

7405. When you were a candidate yourself?—Yes.

7406. Now, Mr. Richardson, on the polling-day, were you in the neighbourhood of the hustings, or the booth?—I was.

7407. You know Robert Kennedy, do you not?—Yes.

7408. And you know Mr. Redmond Jefferson?—He was a supporter of mine in 1853.

7409. Now, upon the polling, on the morning, do you remember some dispute taking place between Kennedy and Redmond Jefferson?—I heard an altercation between them.

7410. About what time of the day, can you say?—I think it was about a quarter past nine.

7411. Where did this altercation take place?—Near the polling booth.

7412. Well, just tell us what passed?—I think it was Robert Kennedy said, "Let us refer the matter to Mr. Richardson;" and we came out into an open space, and I —

7413. Who do you mean?—Mr. Jefferson, Mr. Kennedy, and I; we came into an open space, to be out of hearing of the parties about.

7414. What was said to you there by Kennedy or Jefferson, on the subject of the altercation?—

tion?—Mr. Kennedy said that Jefferson and he had agreed not to have the Fox at any price. He was so corrupt a man, that in order to carry out that bargain intact, it had been agreed between them that if the Fox voted for Mr. Verner, Mr. Jefferson was to vote for Mr. Barbour; and if, on the contrary, the Fox voted for Barbour, he (Robert Kennedy) had agreed to vote for Mr. Verner.

7415. Did you decide it in any way?—I said, "This is an extraordinary thing for you to refer to me. You should have said nothing to me about it; but as you are both friends of mine, I suggest that if Jefferson strongly desires to vote when 10 o'clock comes, he should not be precluded from doing so; but in the event of his doing so, I think one of Mr. Verner's sure votes should be given to Mr. Barbour."

Cross-examined by Mr. *Cooke*.

7416. Are you the person responsible for the expenses of this petition?—Yes.

7417. For all of them; the whole expense?—I consider myself responsible.

7418. Are you responsible for the whole expenses of this petition?—I believe a good action would lie against me for the expenses of the petition.

7419. Are you responsible for the whole expenses of this petition?—I frankly tell you I received subscriptions in aid of them.

7420. From the Messrs. Barbour?—Yes.

7421. We hear from the agent at Lisburn that only one item of expense has been received by him on your behalf. I think he told me a sum under 10*l.*?—Nine pounds.

7422. Is that all the expense you yourself incurred at the June election as a candidate?—Since I heard the evidence given here I have inquired, particularly from Mr. Strangman, and he tells me he believes the total expense was about 25*l.*, including that item of 9*l.*

7423. Twenty-five pounds, including the item of 9*l.* Was Mr. Strangman the person you intrusted the management of your election to?—No.

7424. Why did you consult Mr. Strangman as to the amount you were liable to on the June election?—He is my cash-keeper.

7425. Enjoying your confidence?—He has my confidence.

7426. Is he related to you?—Yes; he is my first cousin.

7427. Then when did you decide to be a candidate in the place of Mr. Robert Barbour?—I was not certain at eight o'clock in the morning of the poll whether I should or should not be nominated.

7428. I am sorry to say that is not an answer to my question. When did you agree to take the place of Mr. Robert Barbour as a candidate at the June election?—At half-past 12 o'clock.

7429. In the day?—On the night of the 24th of June. I told the parties that if they could do no better, and thought proper to nominate me as an unwilling candidate, I would not repudiate such a position.

7430. Now, allow me to ask you to reconcile, as no doubt you can, this with the previous answer, that at eight o'clock on the morning of the poll you had not agreed to be a candidate?—I was not decided whether I should or should not be nominated, and I was not certain the parties would not nominate Mr. J. Williamson Fulton instead of me.

7431. Was it to the friends of Mr. Barbour you at midnight gave the discretion to nominate you in the event of their being unable to find another person?—It was the party who had supported Mr. Barbour.

7432. Was it not with the friends of Mr. Barbour that you made the arrangement if they could not find a better substitute in Mr. Robert Barbour's place they might nominate you?—I think it would be more proper to describe ——

7433. Answer my question and then describe. Was it not with the friends and supporters of Mr. Robert Barbour that you made the agreement to be nominated the next morning, if they could not obtain a person?—They were supporters, and I would not describe them particularly as friends.

7434. Friends of whom?—Mr. Barbour's.

7435. Were you not aware on the day previously that Mr. Verner and Mr. Robert Barbour had been the only two persons nominated as candidates?—I was aware that on Tuesday, the 23d, Mr. Robert Barbour and Mr. Verner were nominated as candidates.

7436. And the poll for that nomination was adjourned, to take place on the Thursday morning. Were you not invited on the Wednesday night, as you say after 12 o'clock, to be a candidate in place of Mr. Robert Barbour, and to be so nominated?—I had been invited on the 10th of June.

7437. Never mind the 10th of June. I ask you now—Mr. Robert Barbour had been, to your knowledge, nominated on the Tuesday, and the poll adjourned to the Thursday; was not the arrangement you made, that you agreed to be nominated in place of Mr. Robert Barbour by the friends of that gentleman, if they wished; in fact, to take his place at the poll?—Well, I was aware that Mr. Verner and Mr. Barbour had been nominated. I had been asked several times to come forward as a candidate, and at half-past 12 that night I agreed that if they desired it, it being understood that I was an unwilling candidate, to be nominated at eight o'clock, if they thought proper.

7438. Who were the parties with whom you made the arrangement?—I think John Miller was in the chair. Do you wish me to tell so far as I recollect who were present?

7439. Did you or did you not agree with Mr. Miller, the party in the chair, to become a candidate, if wished, in the place of Mr. Robert Barbour?—To some extent I did.

7440. To what extent?—With the understanding that if I were nominated without my consent I should not repudiate such a candidature.

7441. But I wish to ask, did you not agree to become a candidate in the place of Mr. Robert Barbour, whose nomination was to be withdrawn?—I did, but I withdrew that agreement.

7442. What agreement?—I did agree as you suggested, and withdrew that agreement.

7443. When did you withdraw it?—I withdrew it after 12 o'clock that night.

7444. Having agreed before 12 o'clock to be a candidate in the place of Mr. Robert Barbour, you withdrew that agreement?—Yes.

7445. When did you renew it?—I did not renew it; I made a different agreement.

7446. In what way did you withdraw?—I returned to the place, and asked them to allow me to withdraw my agreement to be a candidate. They accused me of using them badly.

 7447. *Chairman.*]

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7447. *Chairman.*] To what place did you return, and whom did you find there?—It was Mr. Smith's house.

7448. Who is Mr. Smith?—He had been Mr. John D. Barbour's conducting agent.

7449. You went to the house of Mr. Smith, and was that Mr. Smith the person who up to that time conducted the election for Mr. Robert Barbour?—I believe so.

7450. Was it in his house that you had given the previous assent?—Yes.

7451. And to whom?—To Mr. John Miller.

7452. And anybody else?—Several other persons were present.

7453. Mr. *Cooke.*] Who were those present; supporters of Mr. Barbour?—Yes.

7454. Were not some of the Barbourites there?—Yes.

7455. How many?—I think two or three.

7456. Was Robert Barbour himself at that meeting?—Yes.

7457. Did not Robert Barbour himself join in asking you to become a candidate in his place, as he was advised to retire?—I think not.

7458. Just try to recollect whether Robert Barbour was not one of those who pressed you to become a candidate in his place?—He did not press.

7459. Did he request?—No.

7460. Did he consent to retire in your favour, if you would become a candidate?—I understood that if I became a candidate, it was likely he would retire.

7461. Did you not learn at the meeting at Smith's office, that he wished to retire, and you were asked to become a candidate in his place?—No; I did not.

7462. What did you understand was Mr. Robert Barbour's position, he being nominated?—I understood that considering his position so anomalous, they desired him very strongly to retire. His friends wished him to retire.

7463. What do I understand to have been your position; were you nominated on the poll morning without your consent?—Yes.

7464. By the *Committee.*] You withdrew your agreement. Was no fresh agreement made? You say, "I decided at half-past 12 to stand." "At 12 I withdrew," half an hour before you decided to do it. Was there another agreement?—No.

7465. Mr. *Cooke.*] I thought you told me you made an agreement different from the one you made before?—Yes.

7466. What was the second?—The second agreement was that, in the event of my being nominated without my consent, I should not repudiate such a candidature.

7467. Pray were you to pay the expenses incurred up to that time previous to your being so nominated?—No, I was not.

7468. Was that a part of the agreement?—I understand I was not to be called upon to pay any expense.

7469. The agents who acted at the poll on that occasion were appointed by you?—No.

7470. Or anybody deputed by you?—Nor anybody deputed by me.

7471–2. And may I assume that you have not either paid them yourself or authorised any person to pay for their services?—No, I have not.

7473. And that you furnished money to Mr. Strangman, from time to time, for the purposes of this petition?—Mr. Strangman is the treasurer in the matter.

7474. And that you furnished money to Mr. Strangman, from time to time, for the purpose of this petition?—Yes.

7475. You have done so?—Yes.

7476. How much have you furnished him with?—£. 750.

7477. You say he is the treasurer, what is the amount subscribed independently of your own proper money?—I should think the total amount subscribed is about 1,300 *l.* or 1,350 *l.*

7478. *Chairman.*] Is that independent of your own contribution?—It includes mine.

7479. Without your own contribution, how much has been subscribed?—Above 1,100 *l.*

7480. Mr. *Cooke.*] Independent of your contribution?—Independent of my contribution.

7481. *By the Committee.*] What was the gross amount?—£. 1,350.

7482. Did not you say 750 *l.*—

Chairman.] He has paid to Mr. Strangman 750 *l.* Between 1,300 *l.* and 1,350 *l.* is the amount of the subscription, of which 1,100 *l.* is subscribed by other parties, and not by him.

7483. Mr. *Cooke.*] Do we understand you that the 750 *l.* paid to Strangman was your own proper money?—No.

7484. What money have you yourself out of your proper funds paid to Mr. Strangman or to the fund?—My subscriptiun to the fund was 200 *l.*

7485. Have the sums subscribed been handed to Mr. Strangman to deal out as he pleased, or with whom have they been deposited?—Not all of them.

7486. What amount of the 1,300 *l.* has been paid to Strangman?—£. 750.

7487. Where is the residue?—Not yet collected or paid.

7488. Now are the Honourable Members to understand that you have furnished Mr. Strangman with no money of yours beyond the 700 *l.*?—I said I gave Strangman 750 *l.*

7489. But I understood you to say that of the 700 *l.*, 200 *l.* only was yours. Is it so?—Of that 750 *l.*, 100 *l.* only is my own money.

7490. *Chairman.*] Have half the promised subscriptions been paid up?—Half of some and the whole of others.

7491. Mr. *Cooke.*] Now what I want to know is, are you personally liable for the expenses of the petition beyond the 1,300 *l.*?—Certainly.

7492. I understand you to say, that being with Mr. Orme in the room at the Hertford Arms, a bludgeon of this description was produced (*a bludgeon is shown to the Witness*)?—Yes.

7493. And you were told by Mr. Beatty that information had been received, that 1,000 were being manufactured at Barbour's factory, at Hildon?—Yes.

7494. Did you make inquiry, as a magistrate, at the Hildon factory, to find whether such weapons were being made?—No; I did not.

7495. Did you take any steps, to ascertain whether at the Queen's Arms there was a reserve of these weapons?—No; I did not.

7496. You told us, Mr. Richardson, that the police captured half-a-dozen of these bludgeons, is that so?—I think it is likely to be the case.

7497. But you have sworn it in your examination in chief, that the police captured half-a-dozen bludgeons.

bludgeons. Is that the fact?—I do not think I stated it precisely as a fact.

7498. But did you not tell the Honourable Members, when you referred to Guager Best being quoted, did you not say that Mr. Orme had said, that in the absence of strong affidavits he could not proceed to the Queen's Arms to seize the bludgeons, and afterwards say the police had captured half-a-dozen of them?—Not at that time.

7499. Did the police capture half-a-dozen bludgeons?—I think it likely.

7500. Is it, or is it not true they captured half-a-dozen bludgeons?—They did not bring any of them.

7501. What made you tell the Honourable Members they had captured half-a-dozen bludgeons?—I think it is likely they had.

7502. By the *Committee.*] I asked you, whether it was people or bludgeons they had captured, and you replied the bludgeons?—Yes.

7503. Mr. *Cooke.*] You told the Honourable Members the police had captured half-a-dozen bludgeons?—The only doubt is about the number. I am sure, more or less, they took them.

7504. We will assume a dozen; were they taken to the police office?—I do not know; I expect so.

7505. Did the police come to you as the magistrate?—No; they did not.

7506. How did you get the information, of the number of bludgeons captured by the police?—It was just casually.

7507. Did it make no impression on you, as well as on the impartial persons in Lisburn, and the resident magistrate?—No.

7508. You told us you had had a very doubtful character, Guager Best, quoted as the authority; was not he a supporter of yours last June?—No.

7509. Was he not one of the Barbour party?—Yes.

7510. And you mean to say he was not a supporter of yours in June?—I do not know whether he was not.

7511. Are you prepared to say he was not?—I am not prepared to say he was not.

7512. Does he not support the party that supported you at the June election?—He did support that party in February.

7513. You do not know whether he was of the party who brought you forward in June?—I do not.

7514. Are you prepared to say he was not a supporter of yours?—I mean as I said, that I do not know whether he was or not.

7515. You having heard of this large number of bludgeons being concealed in Lisburn, did you, upon the capture of a number of them by the police, take any action on the fact?—I did not.

7516. When did you hand over Glenmore's letters about Allister, to the agent for the Petition?—The morning of the day on which he was examined.

7517. Have you said before that morning, that you would not produce that letter?—No; I said that I should produce it with great reluctance.

7518. With great reluctance! What overcame this reluctance?—It was when Mr. Richardson said there was no Committee.

7519. Now I wish to ask you particularly, are you prepared to swear that Mr. Beatty went with Glenmore into the room where Mr. Orme was?—Yes. I am quite positive of it; Graham was sent for.

7520. And you and Graham went at one time?—No, Glenmore and Mr. Beatty returned, after Mr. Graham's arrival at the Hertford Arms.

7521. Glenmore and Mr. Beatty first?—And then Graham, and Glenmore, and Mr. Beatty, and after our consultation, Glenmore and Mr. Beatty.

7522. *Chairman.*] Were Glenmore, Beatty, and Graham, at one and the same time in the same room with Mr. Orme and yourself?—Yes.

7523. By the *Committee.*] That room being Mr. Orme's room?—That room was Mr. Orme's room.

7524. Mr. *Cooke.*] You told me you saw Mr. Moore the conducting agent. Had you known him previously?—I had not known him previously to his coming to Lisburn on the occasion of the February election, but I think my answer was, that I believed he was sitting at that desk.

7525. I think I took it first; you were very positive?—No.

7526. Well now, you told us that fourteen Vernerites were arrested on the Tuesday, and were remanded in custody until the Saturday?—Yes.

7527. Did you send the Vernerites to prison, and allow the Barbourites to go at liberty?—I would tell you this—

7528. Give an answer first. Was the fact that you sent the Vernerites to prison, and allowed the Barbourites to go at liberty to follow their pleasing avocations?—All the parties—

7529. Yes or no?—All the parties—

7530. *Chairman.*] Answer the fact?—No.

7531. Mr. *Cooke.*] What was the fact?—All the parties were arrested by the constabulary, no matter which side they belonged to, and remanded in custody except such as had votes, the Queen being the prosecutor as regarded those who were brought up on information for the riot of the ninth. Application was made to the magistrates to admit them to bail.

7532. *Chairman.*] Some were arrested by warrants, and some by the police?—In the act of rioting.

7533. Mr. *Cooke.*] I will ask you was it a fact that these fourteen men arrested on the Tuesday were remanded in custody, and those taken up for the riot on Monday were allowed to go on bail?—Yes.

7534. What do I understand as the distinction—those who had votes?—It was agreed that any man who was arrested that had a vote, should be admitted to bail.

7535. Agreed by whom?—The magistrates.

7536. You and Mr. Orme?—Yes. The professional gentlemen on each side advocating such an agreement.

7537. Where the only persons that had votes brought before you supporters of Barbour?—Certainly not.

7538. Tell me a person with a vote?—John Kane.

7539. By the *Committee.*] Was he admitted to bail?—Yes.

7540. Had he been taken up by the police?—Yes.

7541. Mr. *Clerk.*] Fourteen men were arrested on the Monday night. Do I understand they were admitted to bail, or what was done with them?—The majority of these were remanded in custody.

7542. Why was that, Mr. Richardson?—In consequence

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consequence of the great rioting, we thought it would tend very much to appease the town, to keep them remanded in custody until after the election was concluded.

7543. By whom were the fourteen men arrested on the Tuesday?—By the police.

7544. And then the fourteen were remanded in custody?—Most of them.

7545. *Chairman.*] You have given the case of John Kane, who was admitted to bail. Were not all the fourteen voters besides John Kane?—I do not recollect.

7546. Mr. *Cooke.*] You say that this was an arrangement come to with the concurrence of yourself and Mr. Orme on the suggestion of the professional advisers—is that so?—Yes.

7547. Who were the professional advisers on the part of the Vernerites?—Mr. John Pennington, Mr. McLane, a solicitor, of Belfast, and Mr. Young.

7548. Is that John or James Young?—James Young.

7549. Is he a Belfast gentleman?—Yes.

7550. And who else?—Mr. Moore.

7551. Were they all present at the sessional meeting?—All were present at the petty sessions.

7552. Who acted as professional gentleman on the part of the Barbourites?—Mr. O'Rourke, as sessional crown prosecutor on behalf of the crown.

7553. Was he representing the Barbourites on that occasion?—No.

7554. Who defended the men of the Barbour party?—I believe Mr. John Ray defended the Barbour party.

7555. Of Belfast?—Mr. John Ray of Belfast.

7556. Did he address you at great length on that occasion?—He was very quiet until the men had been remanded in custody.

7557. Some members of his party were remanded in custody?—No.

7558. Then was the agreement come to by both sides, that those who had votes should not be remanded?—The agreement had been made before that as regarded the voters.

7559. What made him angry?—He was not at all.

7560. Where any Barbourites who were not voters, allowed to go at large?—I think I may make an explanation.

7561. But I do not know what took place, and never heard of it?—There was a long discussion as to whether any of the men should be remanded in custody or not, and it was resolved to remand all those except such as had votes. That was done, and after the Sessional Crown Prosecutor had departed, John Ray made a very strong case on behalf of the Barbourite party. Those rioters were charged with the offence at the suit of William Coulson, and Ray submitted that the magistrates had no power to refuse bail, as the offence was not a felony. The professional gentlemen on the opposite side charged them with having commenced to destroy Coulson's factory, as the windows only had been damaged, and when he stated that if they made a short affidavit charging them with felony, he would direct the magistrates to imprison them without bail, reminding them at the same time, that these men would have a good action against Mr. Coulson, Mr. Verner's professional advisers declined to undertake that responsibility, and the men were admitted to bail.

7562. With regard to the Vernerites who were brought up on the same day, were there any of them remanded in custody?—Yes, there were.

7563. What was the charge against them?—For commencing to demolish houses.

7564. What was the distinction I want to know, between the cases of the Barbourites who were admitted to bail, and the case of the Vernerites who were remanded in custody?—I did not think there was a great difference in the charge. The professional advisers of Mr. Verner made no objection to the men being remanded in custody, and after the Sessional Crown Prosecutor had departed, Mr. Ray made this case that appeared not to have suggested itself to two legal opponents, and we were obliged to take bail.

7565. The other men had been already remanded in custody?—Yes; their cases had been disposed of.

7566. Did Mr. Orme, Stipendiary Magistrate of Belfast, take any part in the election, as a partisan?—Certainly not.

7567. Were any of the pieces of wood like the one which has been produced, produced before you at the petty session?—In the Court House one was produced on the morning of Tuesday the 10th of February.

7568. Do you know in whose hands it had been found; a man belonging to which party?—Mr. Barbour brought it himself, Mr. Barbour, J.P.

7569. Mr. Barbour the father of the candidate?—Yes.

7570. Is that the only one you ever saw besides the one produced by Mr. Beatty?—No; it is not.

7571. Where did you send the others?—I cannot recollect.

7572. You had sent them somewhere during the election?—Yes.

7573. Now then, just tell me, had you been asked to stand for Lisburn upon the vacancy created by the unseating of Mr. Barbour some time prior to the election of June?—Yes; I had.

7574. How long before the time of the election. The election was on the 25th?—On the 10th of June I was asked.

7575. Did you then decline?—Yes; I was addressed a letter by Mr. John Millar, Mr. Robert Barbour, and Dr. Coulson.

Examined by the *Committee.*

7576. You said you had furnished Strangman with 750 *l.* Does that mean that you furnished him with that sum in advance of the subscription which you expected to receive, and which amounted to 1,350 *l.*?—That sum of 750 *l.* was all about that time that had been collected.

7577. And the 750 *l.* included 100 *l.* of your own half of your subscription?—Yes; it did.

7578. Then Mr. Strangman was treasurer?—Is treasurer.

7579. Mr. Strangman being treasurer, did he receive the subscriptions?—No.

7580. Who did?—I believe it was Mr. Joint.

7581. Who is Mr. Joint?—A solicitor.

7582. Mr. Joint, the solicitor. We have not heard of him. Mr. Joint, the solicitor, received the subscriptions. Is there a list of them in existence?—I can tell you most of them, myself.

7583. Did they sign their names to any paper, and place the amounts?—Some did, and some did not.

7584. Then

7584. Then did some put their names for open sums?—No.

7585. Those who put their names, did not they put the amounts they subscribed? What was meant by that?—I do not think that occurred.

7586. The question goes to the amounts, and not merely signing their names. Did they sign their names, and fill in the amounts?—Yes.

7587. What was meant by some did, and some did not?—Some gave their subscriptions without signing anything.

7588. *Chairman.*] Wherever there was a signature, there was an amount placed opposite to that signature?—Yes.

7589. By the *Committee.*] Is that paper in existence?—I believe there were two or three papers.

7590. Are they in existence?—I do not know; I should think they were.

7591. Who had the papers?—I think Mr. Strangman.

7592. Mr. Strangman, you think, had the papers, and then the money, I understand, was paid to Mr. Joint. Was that so?—Yes.

7593. Who was the treasurer, Mr. Joint or Mr. Strangman?—In the first instance, Mr. Joint received the money.

7594. In what capacity?—As treasurer.

7595. Then, did he give up that office; did he resign?—He resigned the office when any work was required to be done.

7596. What kind of work?—The disbursements of the money.

7597. He resigned the office when any work was required to be done?—Mr. Joint resided in Dublin, and it would be exceedingly inconvenient to have a Dublin treasurer disbursing sums of money for Lisburn or Belfast.

7598. When did Mr. Joint give up the office of treasurer, which he at first accepted?—I think about three weeks, or four weeks ago.

7599. Who followed him in that office?—Mr. Strangman.

7600. Was the money paid to Mr. Joint?—Yes.

7601. What did Mr. Joint do with it?—He gave me a cheque for the unexpended balance.

7602. How much was that cheque for?—£.750, less 4*s.* 2*d.* for 50 stamps, and a cheque book.

7603. But then he had disbursed some money?—None, I believe, except the 4*s.* 2*d.*

7604. Was the 750*l.* all that Mr. Joint had received?—Yes.

7605. Then when you said "I furnished Mr. Strangman with 750*l.* for the purposes of the petition," was that the cheque Mr. Joint gave you?—Yes.

7606. Except 4*s.* has anything more been paid?—I believe not.

7607. No more has been paid. Have you any reason to think any more will be paid?—Yes; I have.

7608. How many parties do you know put their names down as subscribers?—I do not, even from Lisburn. There was a subscription from Lisburn, and one from Belfast, but I know the amounts only in these two instances.

7609. And the amount was over 1,300*l.*?—Yes.

7610. You say that in that 750*l.* was 100*l.* of yours. Had you paid that 100*l.* to Mr. Joint?—Yes.

7611. Previously?—I did.

7612. *Chairman.*] Were you nominated in writing?—Yes.

7613. By whom?—John Miller and Henry Major.

7614. Is that John Miller the same person who was in the chair at Mr. Smith's house, on the occasion to which you have alluded?—Yes.

7615. When you first gave your assent, and when you returned to recall your assent?—Yes; he is now chairman of the Lisburn Town Commissioners.

7616. By the *Committee.*] When you reached the door of the room in the Hertford Arms, in company with Glenmore and Mr. Orme, how far was the door open?—It was fully open.

7617. What led you to retire from that room?—Mr. Orme asked, "what are these gentlemen doing here."

7618. Asked whom?—I think it was Mr. Beatty, or Mr. Beatty and Mr. Richardson; Mr. Beatty said, "this is Mr. Verner's Committee." Mr. Orme rejoined, "at that rate I have no business here." I think it was either "we" or "I."

7619. Did he say "I" have no business, or "we" have no business? The words used are, "this is no place for us, and we must leave." Did you say, "we must leave," or "I must." I took it "we"?—I believe it was "we" myself.

7620. Was there any attempt to exclude you from the room?—Not at all. I believe they would have preferred our remaining.

7621. Are you sure that in that room you saw Mr. Moore seated at a desk?—I am not sure. I believe I did.

7622. How long before that time had you known Mr. Moore by sight?—I do not think I had known him by sight before that.

7623. Then how did you know that a person sitting at a desk was Mr. Moore?—By seeing him subsequently.

7624. And you saw him long enough and clearly enough to identify him subsequently?—Yes.

7625. Is Mr. Strangman a relation of yours?—Yes, my cousin.

7626. Was Guager Best a voter?—No; he was a very low character.

7627. How many people were taken or brought before the magistrates on warrants? Do you recollect?—I think about nine.

7628. Fourteen by the police, and nine by warrant. Is that so? You have already stated 14 people were brought up by the police, and did not state how many by warrant, but nine is the number?—I think about nine.

7629. And were the warrants issued against all these nine, for Coulson's case alone or Coulson's case and others?—I think for Coulson's case alone.

7630. Was Mr. Coulson a supporter of Mr. Verner?—No.

7631. For whom did Coulson vote?—I believe he did not vote on the occasion of either election.

7632. Did he take any part in the election?—No.

7633. For neither candidate?—He chiefly resides in the neighbourhood of London.

7634. Did any of his partners take any part in the election, or any one connected with his establishment in a responsible position?—I think Mr. Mack took some slight part in Mr. Verner's favour.

7635. Is Mr. Mack a voter?—No.

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7636. Are there many of Mr. Coulson's men voters?—No.

7637. Not many, or any?—Not to my knowledge.

7638. Not any?—Not to my knowledge. I believe the attack made upon the factory of William Coulson was made under an apprehension that it belonged to Captain Ward Coulson.

7639. *Chairman.*] Who is Captain Ward Coulson?—His name was Ward, and he took the name of Coulson afterwards. He is still sometimes called Captain Ward.

7640. Where does this Captain Ward chiefly reside?—Chiefly in London.

7641. Is he a voter for Lisburn?—Yes.

7642. Was he there at that election?—Yes.

7643. Did he vote?—Yes.

7644. For whom?—Verner; and in June he canvassed extensively for Verner.

7645. Then he was more in Lisburn at the June election than at the previous one?—Yes.

7646. Now, in the June election where did Captain Coulson Ward reside?—In Castle-street, in Lisburn.

7647. Did he take a house there?—Yes.

7648. Did he take any active part in conducting the voters to the poll?—I do not think he did.

7649. Did Mr. Orme, the stipendiary magistrate, consult you as to the course to be pursued in regard to the men brought up by the police, and brought up under warrants?—Yes.

7650. And you both agreed to the course that was pursued?—We agreed, I believe in every instance with regard to every circumstance that came before our notice prior to the February election. If you will allow me, sir, I will make an explanation about the bludgeons.

7651. Do you mean as to number?—No.

7652. What explanation do you wish to make?—On the morning of Tuesday the 10th of February, Mr. Barbour, J. P., brought a bludgeon into the Court house and told us, Mr. Gregg, Mr. Stannus, and myself, that that was one of the number that were being made at Hildon Green. We paid no attention to it, and subsequently we adopted a similar course with regard to the bludgeon which was shewn to us at the Hertford Arms. We looked upon the stories in each instance as canards. There were a great many exaggerated stories in circulation.

7653. What, in your opinion as a magistrate, was the state of the town at the time of the February election?—There was a very serious riot on the night of the 10th of February.

7654. That is the Monday night?—No, the Tuesday night, Mr. Orme told me he had never seen a more furious mob. In consequence, the next day, the necessary affidavit having been made, we closed the publichouses from six o'clock in the evening till seven o'clock the next morning, until after the election was concluded.

7655. So that every night subsequently to Tuesday, the publichouses were closed from six in the evening to half past seven the following morning?—Till seven, with two exceptions. We allowed one party to have the Hertford Arms, and the other party Mr. Creight's Hotel, unmolested.

7656. Were there any severe casualties in any of those riotings?—Do you mean to personal property.

7657. To person. I should have said destruction of property. Were there any injuries to persons?—I think not.

7658. By the *Committee.*] Did the bludgeons come into use?—To a small extent I think they did.

7659. What is the usual number of police stationed in Lisburn?—I believe it is 12 or perhaps 10 and the head constable.

7660. What was the greatest number there during the election?—On Saturday the 21st, February, the day of polling, there were 350 police, 12 mounted police, 250 infantry, and 90 cavalry, and in addition to Mr. Orme, we had Mr. Mack and Colonel Kilby, the stipendiary magistrates.

7661. Then you had three stipendiary magistrates?—We had three stipendiary magistrates.

7662. Is it not usual in Ireland, at all times of elections, very much to increase the police force of the town?—Yes.

7663. Did you see any attempt to molest the voters on their way to the poll, by anybody? You were present officially at the poll?—I was. I think there was.

7664. Where? in the booth, or on the road to the polling booth?—On the road to the polling booth.

7665. Did you know any of the men so interfered with? You said you thought some men interfered?—The magistrates were several times applied to, to protect different parties up to the poll.

7666. What course did they pursue? Did they send police to escort them, or go themselves?—Generally either mounted police or cavalry were sent, and they were accompanied by a magistrate.

7667. Did you go, on any occasion?—Yes.

7668. When on the occasions on which you went, whose voters did you escort, Mr. Barbour's or Mr. Verner's?—Mr. Barbour's.

7669. Do you know whether any of the stipendiary magistrates escorted voters? The other two local magistrates were not in Lisburn at this time?—I am not aware that they did.

7670. How many of Mr. Barbour's voters did you so escort?—I think about two.

7671. At what hour of the day was this?—I believe it was about one o'clock.

7672. Was the polling very early, or was there late polling?—I believe about one o'clock. It was virtually over.

7673. How many voters polled? do you know?—For Mr. Barbour, 140; and for Mr. Verner, 134.

7674. Then there was a majority of six in favour of Mr. Barbour?—Yes.

7675. What is the whole constituency, or what was it at that time?—At that time, I think, 313.

7676. What was it at the June election?—The same. Some of the 313 have died; I believe it is 280, or 284 now.

7677. Then there were 39 votes unpolled at the election of February?—Yes.

7678. Do you mean that there were soldiers as well as mounted police?—Yes; Colonel Graham had charge of all the military.

7679. Mr. *Clerk.*] In England soldiers are ordered away, and in Ireland, where they expect a disturbance, they are ordered in?—Yes.

7680. By the *Committee.*] What day did the soldiers enter the town?—I think the day before; but some the morning of the day of the poll.

7681. Did the cavalry come in the day before?—Yes, they did.

7682. Then

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7682. Then there were 702 military and police at the borough of Lisburn, at the February election?—Yes.

7683. By whose request did the soldiers come? was it at the request of the magistrates?—It was on a request from the sheriff of Antrim.

7684. Is this a large army for election purposes? Is it usual, in Irish boroughs, to have it?—Not so many as that.

7685. Has it been so at Lisburn before?—In 1857 there was a considerable riot, and several voters did not succeed in polling; on that account we thought it was better to have a stronger force in February last.

7686. Then the amount of the force was merely decided by the wishes of the authorities at Lisburn?—Not quite so. The sheriff of Antrim is not a local authority in Lisburn, but I believe the high sheriff is all powerful, but he consulted the local magistrates.

7687. Were there any soldiers at the June election?—Yes; there were.

7688. So that in fact there was very nearly two soldiers or policemen to every elector of the borough?—Yes.

7689. In 1857 did you retire, or were you defeated on the poll?—I had retired, in 1853. The contest was virtually between my cousin at Lanbeg, and myself, and I found the position was disagreeable, and believing that I should have been an opponent again in 1857 I thought it better to retire.

[The Witness withdrew.

JANE LENNON was called in; and, having been sworn, was Examined by Mr. *Clerk*, as follows:

J. Lennon.

7690. DOES your mother keep the Hertford Arms at Lisburn?—She does.

7691. Do you assist her in carrying on the business at the house?—Sometimes.

7692. Do you mean that you do not always live with her?—Oh, yes.

7693. You always live with her?—Yes.

7694. What is the age of your mother?—Sixty.

7695. I do not ask your age, but I think you are old enough to take an active part in the management of the house?—Yes.

7696. Do you remember the February election at Lisburn?—I do.

7697. You know that Mr. Verner was a candidate?—Yes.

7698. Used you to see him sometimes at the Hertford Arms?—I have seen him at the Hertford Arms.

7699. Was there a large room up stairs at the Hertford Arms, which was engaged during the election?—No; there was no room engaged during the election.

7700. Do you know Mr. Moore?—I do.

7701. Had he no room during the election?—Not that I know of.

7702. Have you a large room on the first floor?—We have.

7703. And there is an ante-room to it, is there not?—There is a small room with a wooden partition across it.

7704. By the *Committee.*] Have you to pass through the small room to get into the large room?—The door opens out of the one into the other.

7705. Which is nearest the staircase, the small room or the large room?—The large room you go into first.

7706. Mr. *Clerk.*] Is there any door into the small room, except the one opening from the large one?—There is another.

7707. How does that door open into the smaller room?—It opens off the lobby.

7708. So that you can go into the big room directly, or go into it by going through the small room first?—Yes.

7709. Was that big room not occupied by anybody for a fortnight before the election in February?—No, it was not.

7710. By nobody at all?—No person at all.

7711. The big room and the small room?—There were people in it before the election.

7712. By the *Committee.*] In which room?—The large room.

7713. And the small room?—Yes.

7714. Before the election?—Yes.

7715. Mr. *Clerk.*] Who were the people in it?—Different people; I could not tell who they were.

7716. Do you know that Mr. Moore used to sit there?—Yes, he did sit there sometimes.

7717. Did he not sit there every day?—I could not say, I was not there.

7718. Where were you?—Down stairs.

7719. Did you never go yourself up to that room?—No; I never was there.

7720. Did you not engage with anybody as to how much should be charged for that room?—No; I never did.

7721. Did you never ask anybody how much you ought to charge for the use of it?—No; I never did.

7722. Just consider a little before you answer the question. Did you never ask anybody what amount, or what sum you ought to charge for the use of those rooms during the election?—No; I did not.

7723. Do you know a person of the name of Alexander M'Cann?—I do.

7724. He was the law clerk to Mr. Birnie?—Yes.

7725. Did you not see him at the Hertford Arms during the canvass?—I did.

7726. Did you not ask him what was a right amount, or what you ought to charge for the use of the rooms during the election?—No, I did not.

7727. Did you ever speak to him upon the subject at all?—No.

7728. You say that Mr. Moore used that room occasionally?—He sat in it sometimes.

7729. Is Mr. Moore a Lisburn gentleman?—No, he is not.

7730. Had you ever seen him before the February election?—I did not.

7731. Did you make any charge to anybody for the use of that room?—I did not.

7732. You have been called upon to produce your books of account kept between the months of January and July 1863; have you brought them here?—No; I have no books to bring.

7733. Do you mean to say that there are no books kept?—No; I kept no books relating to the election at all.

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7734. But you have been called upon to produce your account books between the months of January and July; have you got those books here?—No, I have not.

7735. Did you not receive a paper calling upon you to produce them?—I did not; it was left in the house.

7736. Did you read it?—I saw the paper after it was left in the house.

7737. Did you read it?—I did read it.

7738. Have you brought those books here?—I have no books relating to the election.

7739. I say nothing about relating to the election; I am asking you about the books of account kept by you between the months of January and July 1863. Are there any books kept at the Hertford Arms?—Yes.

7740. When orders are given at the bar, or if there is anybody staying in the house, who makes the entries in those books?—My sister.

7741. Is she here?—Yes.

7742. What is her name?—Margaret.

7743. Do I understand you to say, that you made no charge to anybody for the use of those rooms during the election?—No.

7744. Has anything been paid to you, or to anybody to your knowledge, for the use of those rooms during the election?—There has not.

7745. You say your sister Margaret keeps the books?—Yes.

Cross-examined by Mr. *O'Malley.*

7746. Do you know a man of the name of Gamble?—I have heard of him, but do not know him.

7747. Do you remember any man being in the coal-hole?—No; I do not.

7748. Did you ever get any man taken out the coal-hole?—I did not.

7749. Shortly before the second election, did a man named Gamble, or any other man, apply to you to relieve him when he was in the coal-hole?—He did not apply to me.

7750. Do you remember any drunken man coming there at the time?—I was not there at the time.

M. Lennon.

MARGARET LENNON was called in; and, having been sworn, was Examined by Mr. *Clerk*, as follows:—

7751. ARE you a daughter of Mrs. Lennon, of the Hertford Arms, at Lisburn?—Yes.

7752. Which is the elder sister, you, or Jane?—I am the eldest.

7753. Do you, or does your sister keep the books?—Sometimes my sister keeps them; sometimes I keep them. I generally keep them.

7754. By your sister, do you mean your sister Jane?—Yes.

7755. There is a large room at the Hertford Arms, is there not? with a small room beyond?—There is one room with a wooden partition going across it.

7756. Who was it that occupied that room during the election in February, last year?—Principally Mr. Verner's friends.

7757. Were you paid for the use of that room?—We were paid.

7758. Who paid you?—Mr. Thomas Calbeck.

7759. Do you recollect how much?—I cannot recollect the amount.

7760. Who is Mr. Calbeck? Is he a gentleman at Lisburn?—No.

7761. He is not a Lisburn man?—Not now, he does not reside in Lisburn.

7762. Did he in February?—No.

7763. February 1863, I am speaking of?—No.

7764. He did not reside at Lisburn then?—No.

7765. Where did he reside?—I do not know where he resided.

7766. Was he in Lisburn during the election in February?—He was.

7767. Do you recollect how much you were paid?—No.

7768. Have you your books here?—We have not any books.

7769. Would it appear in the books?—We have not any books.

7770. Would it appear in the books?—We have not any books.

7771. Was it not entered in any book?—It was not.

7772. You have had elections at Lisburn, before, have you not?—Yes.

7773. Did you ever enter election accounts in the books?—No.

7774. Where did you mark them?—On a sheet of paper.

7775. Is that sheet of paper in existence?—I have not it.

7776. Is it in existence?—The gentleman got it receipted.

7777. By the *Committee.*] Do you mean that you gave the piece of paper on which something had been entered to Mr. Calbeck?—Yes.

7778. When was that?—I am not certain just of the date.

7779. Was it in the summer, or in the spring, or in the winter, or when?—In the spring.

7780. Which spring, the spring of last year or this?—The spring of last year—last spring, 1863.

7781. Was it soon after the election?—It was the spring after the election.

7782. Mr. *Clerk.*] You recollect the second election in June?—I do.

7783. Was it before that?—It was.

7784. Sometime before?—Yes.

7785. Cannot you recollect at all what amount you were paid for the use of those rooms?—I do not.

7786. Have those rooms been taken upon other occasions?—No; they were never taken.

7787. That was the first time they were taken for an election?—I cannot say that they were taken at the time.

7788. We know what you have told us already. That is the first time you were ever paid at an election for those rooms?—No.

7789. You have been paid, then?—Yes.

7790. How much have you been paid upon other occasions?—I could not remember.

7791. 100 *l.*?—No.

7792. As much or less?—Not so much.

7793. Did Mr. Calbeck not pay you as much as 100 *l.*?—He did not.

7794. You would swear that?—I would.

7795. Was

7795. Was it less than 100 *l.*?—It was less than 100 *l.*

7796. Was it more than 50 *l.*?—I would not like to swear.

7797. Did you not consult somebody as to how much you were to be paid for these rooms?—Not that I recollect.

7798. Do you know Alexander M'Cann, Mr. Birnie's clerk?—I know him very well.

7799. He is pretty well known in Lisburn?—He is.

7800. Did you see him occasionally at the Hertford Arms during the election?—I did.

7801. Had you any conversation with Alexander M'Cann about the rooms?—I did not consult Alexander M'Cann upon any subject.

7802. I did not ask you about consulting. Did you not have a conversation—that was my question—with Mr. M'Cann about the rooms?—I may have said something to him about the rooms, wondering what we would be paid; but I never asked him the question.

7803. Can you say how it was you came to speak to Alexander M'Cann upon the subject?—I may have been talking about electioneering matters.

7804. You asked him wondering what you should be paid?—Yes.

7805. Did he give you an idea at all how much you would be paid?—I cannot say that he did.

7806. Have you any doubt that he did?—I cannot recollect.

7807. Did he not give you some idea as to how much you would be paid?—I cannot recollect.

7808. Have you any doubt about it?—I have.

7809. Used you to see Alexander M'Cann very frequently during the election?—I have. I have seen him passing in and out of the hotel.

7810. Used he to come into the bar sometimes?—Very seldom.

7811. To the bar?—I have seen him in the bar.

7812. Did he not order things to be taken upstairs?—He did.

7813. Into the rooms, which you said were used by the Verner party?—But not until after the first election.

7814. Before the election day used M'Cann to order things to be taken up from the bar?—Not that I know of.

7815. Do you serve in the bar?—I do mostly.

7816. Used not M'Cann to order things to be taken up to the back-room upstairs?—Nothing but what was paid for when it was ordered.

7817. Did he not order things to be taken upstairs?—If he did he paid for them.

7818. Were things sent upstairs to the back-room?—Nothing but what was paid for.

7819. Who paid for those things?—The party that ordered them.

7820. Who were they?—Sometimes Alexander M'Cann. Whoever ordered them at the bar were told that they would have to be paid for. *M. Lennan.* 18 March 1864.

7821. When were you paid?—At the time.

7822. Do you mean to say there were none of the things ordered at the bar that were paid for by Mr. Calbeck after the election?—Whatever was got at the time was paid for by the parties that ordered them at the time.

7823. Were there none of the things ordered at the bar that were paid for afterwards by Mr. Calbeck?—Not that I recollect of.

7824. What was Mr. Calbeck paid for?—For the house and the use of the cars.

7825. Is there a bell in the big room?—Yes.

7826. When it rang, who attended to the room?—The servant.

7827. The waiter?—No, the housemaid.

7828. Used she to take things to the room upstairs?—Yes; she attended upstairs.

7829. And she took the things upstairs?—Anything that was required she took upstairs.

7830. Did she bring down orders to the bar for things to be taken upstairs?—She did, I suppose.

Cross-examined by Mr. *O'Malley.*

7831. Do you know a man of the name of Gamble?—Yes.

7832. Do you remember before the last election in June, Gamble coming to the house?—I remember him being in the house one night.

7833. In what state was he?—He was tipsy.

7834. Do you remember his being in the coal-hole?—I remember his being in the kitchen, and passing out to the coal-hole.

7835. Was he in the coal-hole itself?—He was. The servant was getting coals, and seeing a light he went out and threw himself among the coals.

7836. Mr. *Clerk.*] Were you there?—I was in the kitchen.

7837. Mr. *O'Malley.*] Did you see him?—I was just at the kitchen-door.

7838. He went out, and seeing a light, he threw himself into the coal-hole?—Yes; just opposite to the kitchen-door where I was standing.

7839. Did he lie in a drunken state?—He fell.

7840. Did you go and help him?—The servant helped him out.

7841. Who was there at the time?—There were several people in the kitchen when he came out.

7842. Were they trying to get him out of the house?—They were.

7843. Did George Wilson take him by the throat and put him into the coal-hole?—He did not. Wilson told him to go home.

7844. Mr. *Clerk.*] Then George Wilson was there?—Yes; he told him to go home.

THOMAS STEPHENSON was called in; and Examined by Mr. *Clerk.*

7845. HAVE you been served with a notice to produce books?—Yes. I have no such things. *T. Stephenson.*

7846. Do you produce any books?—No.

7847. Do you produce any letters, memoranda, or writings, relating to the election for the borough of Lisburn in February 1863?—I have no such things. I have some newspapers.

WILLIAM TUMBLETY was called in; and Examined by Mr. *Clerk*.

William Tumblety.
18 March 1864.

7848. HAVE you been served with an order to produce books of accounts?—Yes.

7849. Do you produce the books of accounts kept by you between the months of January and July 1863?—I have none.

7850. Or any letters, papers, or writings, relating to the election for the borough of Lisburn in February 1863?—I have got none.

ROBERT MCILLWEE was called in; and Examined by Mr. *Clerk*.

Robert M'Illwee.

7851. Do you produce any books of accounts kept by you between the months of January and July 1863?—None.

7852. Do you produce any memoranda, papers, or writings, in any way relating to the election for the borough of Lisburn in February 1863?—None.

JOHN MCNEILLY was called in; and Examined by Mr. *Clerk*.

John M'Neilly.

7853. Do you produce any books of account between the months of January and July 1863?—I have none.

7854. Do you produce any writings, papers, or memoranda in any way relating to the election for the borough of Lisburn in 1863?—I never had any.

JAMES WATSON was called in; and Examined by Mr. *Clerk*.

J. Watson.

7855. Do you produce your books of account kept by you between the months of January and July last year?—I did not keep any books.

7856. Do you produce any letters, memoranda, writings, or papers relating to the borough of Lisburn election in February 1863?—I got none.

SAMUEL WEIR was called in; and Examined by Mr. *Clerk*.

S. Weir.

7857. Do you produce books of account kept by you in the months of January and July, 1863?—I never kept any.

7858. Do you produce any letters, memoranda, papers, or writings in any way relating to the election for the borough of Lisburn in 1863?—I never got any.

WILLIAM REDPATH was called in; and Examined by Mr. *Clerk*.

W. Redpath.

7859. HAVE you got your books of account in January and February 1863?—I have none; I do not keep no books.

7860. Do you produce any letters, memoranda, papers, or writings relating to the election for Lisburn in February 1863?—None, only an account.

7861. Will you produce it?—I haven't it.

7862. You do not produce it?—I have no account. I gave it to the man who paid me the money.

7863. Where is the account?

Mr. *O'Malley* objected to the question, the witness not having been sworn.

Mr. *Clerk* withdrew the question.

GEORGE INGRAM was called in; and Examined by Mr. *Clerk*.

G. Ingram.

7864. Do you produce your books of account?—I never had any.

7865. Do you produce any letters, papers, or writings in any way referring to the election for Lisburn in February 1863?—I never received a letter from any one.

7866. Do you produce a certain letter delivered to you by Alexander M'Cann in or about the month of February 1863?—I do not.

GEORGE MORLEY was called in; and, having been sworn, was Examined by Mr. *Clerk*.

G. Morley.

7867. WHAT are you at present?—A butler.

7868. In whose employment?—Captain Adair.

7869. Where?—Lochenmore.

7870. In Ireland?—It is.

7871. Are you an Irishman?—No.

7872. In the month of February last, were you a waiter at the Vine Hotel, Belfast?—I was.

7873. Is that Mr. M'Illwee's house?—It is.

7874. Mr. M'Illwee is married, I believe?—Yes.

1875. In

7875. In the month of February last year, did they keep books at the house?—They did.

7876. Who kept the books?—Mrs. M'Illwee booked what we called for. In her absence, occasionally, Mr. M'Illwee would do so.

7877. Do you remember, some time in the month of February, a party of strangers coming to the house?—I do, perfectly well.

7878. How many of them came?—From what I can recollect, I think about 13 or 14.

7879. Had you made any preparations in the house for them before they came?—We had made no preparation beyond this: I was warned by Mr. M'Illwee, told rather, that we expected some ten or twelve gentlemen to remain there for a few days. He did not tell me the exact time. We were not prepared; they came in unawares. We were to expect them, but, of course, we did not know the time. We were not prepared any further than this, that we had rooms for them.

7880. Could you say at all when it was that those gentlemen came; could you fix the date?—No, I could not fix the date.

7881. Do you remember the time of the Lisburn election?—I do, perfectly.

7882. Was it before or after that that they came?—Before the election.

7883. Do you recollect any publican in Belfast coming to M'Illwee's house?—Yes.

7884. Who was that?—Mr. George Ingram.

7885. What did he come for?—Well, he called to know how they were getting on. He asked me how we were getting on. I told him "all right, I believe." He says, "That's right, George, look after them; and let them have everything they want." He was glad to hear they were going on comfortably. That is, to my belief, about the words that were used.

7886. Had they everything they wanted?—Yes. They had a good breakfast that I served them with; me and Mr. McIllwee attended them.

7887. Did anyone go near those twelve gentlemen but yourself; this party?—There was a few only admitted.

7888. What do you mean by a few?—Once or twice I remember some gentleman, a member of the reading rooms in Donegal Street, calling. When they came, they told me they had been hurried from home, and they came, some without handkerchiefs and some without waistcoats; they were taken away.

7889. Did they go out of the house while they were there?—No, they did not; they were not allowed.

7890. You believe that?—I know it.

7891. Did you receive any instructions with regard to their going out?—I did.

7892. From whom?—From my employer.

7893. Mr. M'Ilwee?—Yes; no one was to be admitted to them. I had to deny them. Several of them had friends call to enquire after them.

7894. You had instructions not to let them go out, or anyone come in?—Yes.

7895. Did any persons call during that fortnight to see any of those gentlemen who were in the house?—Yes, there were some women called, representing themselves to be the wives of the men who were detained in our house, but we had to deny them. We declared that they were not there. I did so. It was my orders to do so.

7896. Were there other persons employed in the house besides yourself?—Yes; there was a man in to assist me.

7897. I mean any regular persons, any servants?—A maid-servant, who made their beds, but not to attend upon them. No one took them anything to eat or drink except myself and Mr. M'Ilwee.

7898. Were there any servants engaged in the house while they were there to attend to anybody else?—A young man came in who was a footman out of a situation. He came in, to assist me, because we had other people as well as them. These people were regularly in the house, but we had other people dropping in who had to be attended to; and, in my absence attending upon them, this man would assist in any way and every way as he was required.

7899. You only, and Mr. M'Ilwee, attended upon these persons?—That is right. Some of his spare time he would mix with them. I believe he knew some of them; he was a Lisburn man. He was allowed to play cards with them.

7900. Did this Mr. Ingram call more than once?—He was there every day. Sometimes three or four times in a day.

7901. Just give the Committee an idea of what sort of entertainment these men had during the day: what was the first thing they had in the morning?—We went into their bed-rooms to see if anybody liked a little whiskey, a half a glass, or a little lemonade, and we gave it them.

7902. Before they got up they had whiskey and lemonade in their bed-rooms?——

7903. Mr. *Cooke.*] A half a glass?—Some of them had more if they wished to have it. There were one or two who did not drink any whiskey at all, they drank lemonade.

7904. Mr. *Clerk.*] They had a good breakfast?—Yes; tea, and ham, and eggs, rashers of ham, eggs, bread and butter, and tea.

7905. What time used they to dine?—I think it was two; I would not say.

7906. Anything between?—Yes; we gave them punch if they preferred it. They generally had grog, glasses of whiskey and half-glasses between breakfast and dinner; anything they liked to call for; we kept them comfortably.

7907. Had they that at the bar?—They had nothing at the bar.

7908. Where did they have it?—Up stairs in the bed-rooms.

7909. Did they always remain in the bed-rooms?—After they had their meals they had to retire to the bed-rooms.

7910. Where had they their meals?—In the coffee-room.

7911. Did anybody else use that coffee-room besides these 14 gentlemen?—Not while they were there.

7912. Having had their breakfast, they retired to their bed-rooms?—Yes.

7913. There you took them up what they wanted?—Yes, sometimes twice, perhaps; occasionally three or four times.

7914. Was there any stint; if they asked for it, did they get it?—They did.

7915. What had they to drink at dinner?—Glasses of ale, more if they liked; what ale they chose.

7916. Was dinner the last meal?—No, we gave them tea.

7917. Between dinner and tea was any refreshment served up?—Yes, they would have punch and grog; what they pleased.

 7918. At

G. Morley.

18 March 1864.

7918. At what time of the day was that?—About five or six o'clock; I think it was seven.

7919. Was it the last?—No, some had a glass of whiskey and water, perhaps two glasses; others preferred a glass of punch, or a little lemonade.

7920. Was that always in the bed-room?—Yes, we took it to their bed-rooms.

7921. By the *Committee.*] Where did they have their tea?—In the parlour below.

7922. In the coffee-room?—In the coffee-room.

7923. Then they retired again to their rooms after it?—They retired again to their own rooms.

7924. Mr. *Clerk.*] Do you recollect any particular person engaged during any time these people were there, for any particular duties?—No, I do not; I could not say that I do. I had so much to do, I did not pay particular attention to who came in and out.

7925. Do you know a sexton in Belfast?—Perfectly well.

7926. Do you know his name?—I do not remember his name, but I knew him at St. Ann's Church.

7927. Was he at Mr. M'Ilwee's?—He was the latter part of the time.

7928. What was he there for?—To guard the door.

7929. What door?—The bed-room door.

7930. How was it he was there?—To guard the bed-room door.

7931. He was a sexton?—He is not a sexton at present; he had been.

7932. How came he to be brought there?—I do not know; but his duty was to sit on the stairs to prevent any body going up stairs or down to have any talk to these men.

7933. By the *Committee.*] Were all these men all in one bed-room?—No; there were three or four bed-rooms on one landing.

7934. So that he guarded the entrance to the landing?—He would sit on the top of the landing on a chair till they went to bed.

7935. Could these men pass from one bed-room to the other?—Yes; he allowed them to do that.

7936. Do you recollect the men leaving M'Ilwee's house?—I recollect, after four or five days, a car drove up to the door, or two cars they might have been, for some of them to leave; and there was a great rush made for them to go down stairs. I believe six left.

7937. After they had been there four or five days?—Yes, it might have been six. I do not know. Certainly not more.

7938. Do you know why it was those men left?—I could not say.

7939. Did the rest of the party remain at your house?—They did.

7940. On what day of the week was it when they went away?—I think Friday; I am almost sure it was Friday.

7941. About what time in the day did they leave?—I am not certain. I could not say for certain what time they did leave.

7942. In the morning or evening; perhaps you do not recollect?—I could not say for certain; I had so much to do. If we had not them to attend to we had other people.

7943. While these men were there, did you learn the names of any of them?—Yes; I think some two or three names I remember. There was a man named Munce and Stewart.

7944. Any other?—We had a man about two days named Johnson. I had purposed making a list of some of their names, but I did not take notice. There was a man of the name of Gamble, I know very well.

7945. Do you know where he came from?—From Lisburn. And James Park was another. I do not recollect more.

7946. Did they bring any clothes with them?—Only what they stood upright in.

7947. Do you know, during the time they were there, whether what they ordered was put down in any account; whether the things that were taken up by you to them were put down in any account?—Mrs. M'Ilwee would inquire what went up, and I generally saw her with a small memorandum book, a small account book; and Mr. M'Ilwee would counsel his wife as to what she was to put down.

7948. By the *Committee.*] Did you see her write anything in the small account-book?—I have seen her.

7949. At the time?—At the time of taking the things away she would write it.

7950. Mr. *Clerk.*] When did you leave Mr. M'Ilwee's employment?—I could not say exactly the date; perhaps it might be a fortnight or three weeks after those people left.

7951. Do you know whether any payment was made to Mr. or Mrs. M'Ilwee for the expense of the stopping of these gentlemen?—I had every reason to believe.

7952. Did you see any sum paid?—I did not.

7953. Did you apply to any body for remuneration for the trouble you had been at?—Yes, I asked George Ingram. I did not ask Mr. M'Ilwee, for he was not disposed. He told me——

7954. By the *Committee.*] Never mind that. You say you asked George Ingram?—Yes.

7955. For some remuneration?—I asked him would they give me something for my trouble. I thought I was entitled to something.

7956. You had been acting as waiter upon this large party for a fortnight?—I had.

7957. Did George Ingram send you to any one?—Yes.

7958. To whom?—To Mr. M'Cann.

7959. Which M'Cann?—Alexander M'Cann.

7960. Where at?—To Lisburn.

7961. Did you see Mr. Alexander M'Cann?—I did.

7962. Did you get any remuneration from him?—I did not. He could not say anything to me then.

7963. During this fortnight, or when these people went away, did anyone of them pay you for anything they had had?—No.

Cross-examined by Mr. *O'Malley.*

7964. Do you remember when you were first called as a witness to-day?—Yes.

7965. Did you, after your name was called here, walk down to the refreshment room with Mr. Strangman?—No.

7966. Upon your oath, did you not after your name was called walk down to the refreshment room with that gentleman standing there?—Mr. Strangman followed me there.

7967. To the refreshment room?—Yes.

7968. Did he treat you to anything?—I asked the messenger boy to be allowed to take a glass of wine as I was not well.

7969. Who

7969. Who paid for it?—Mr. Strangman.

7970. Then you came back to the committee?—I did.

7971. Was that all you took, a glass of wine?—Yes, a glass of sherry and a little water.

7972. Who brought you here to-day?—No one.

7973. Did Mr. Strangman come with you?—No one.

7974. Where did you come from?—Gibbon's Hotel.

7975. You came alone?—Yes.

7976. Did you see Mr. Strangman there?—No.

7977. When have you seen him before he gave you the wine?—I did not see him till, perhaps, an hour ago.

7978. Before he gave you the glass of wine you never saw him before?—Oh, yes; frequently.

7979. Where did you see him last?—In the lobby, walking up and down.

7980. Have you seen him at the hotel where you are staying?—I do not think I have.

7981. Will you swear you have not?—I think I could.

7982. Will you; I am not asking what you could do. Will you swear you have not?—I do not believe he was there.

7983. Will you swear you have not?—Seen Mr. Strangman in the hotel?

7984. Yes?—I do not remember seeing him there.

7985. Will you swear you have not?—To the best of my knowledge I will swear I never saw him in the hotel.

7986. Will you swear you have not seen him several times there?—I will take my oath I have not seen him several times there. I am not sure that I have seen him once; I think not.

7987. When did you see him before you came here?—I have seen Mr. Strangman in Belfast.

7988. You say you are a butler in a gentleman's service?—I am.

7989. How long have you been in his service?—Six months.

7990. Where were you before?—With Mr. Cholmondeley.

7991. As butler?—Yes.

7992. How long were you there?—Only three months, or a little better; four months. I left in consequence of the church being pulled down. It was to be enlarged.

7993. Was he a clergyman?—Yes.

7994. Where were you before?—In Belfast.

7995. Where?—Lodging in Henrietta-street.

7996. How long were you there?—About seven months.

7997. Out of place?—Yes.

7998. Where were you before you went to the Vine Hotel?—I was in Belfast two winters.

7999. In service?—No.

8000. What were you doing?—I attended dinners for Mr. Linden the confectioner. I went out and took charge of parties, balls, and routs.

8001. You are not an Irishman?—No.

8002. When did you first visit Ireland?—Twenty-eight years ago.

8003. Have you been in Ireland for 28 years?—No.

8004. Where were you in the meantime?—In England.

8005. I ask, in the meantime?—In the 28 years?

8006. Yes?—In several situations.

8007. What countries were you in?—It will be a little trouble to tell you.

8008. We should like to hear it?—What countries was I in?

8009. Yes?—I have been in England, in Ireland, North and South Wales, France, Italy, Spain, the chief part of the Mediterranean, and the West Indies.

8010. Where else; were you ever at Bermuda?—No; we did not touch at Bermuda.

8011. Were you ever at Bermuda?—I was not.

8012. You never were?—I was not.

8013. Were you in Australia?—No.

8014. Never?—Never.

8015. Will you swear that?—Yes.

8016. You swear you were not in Australia?—Yes. I will tell you the situations I have lived in, if you please. I lived as butler and house steward with the Marquis of Drogheda, and previous to that I was two years with Mr. Charles Cholmondeley, the eldest son of Lord Henry Cholmondeley, and nephew of the present Marquis Cholmondeley.

8017. When were you with the Marquis of Drogheda?—Four years ago, or little better; I will say five at the most.

8018. How came you to take a situation at a small place like the Vine, after being a gentleman's servant?—Because I was doing nothing.

8019. You could not get a place?—I was not in a situation then. I was seven years with Mr. William Everett, Receiver General of Stamps and Taxes, at Somerset House; his place was in Queen Anne-street, and his country house was at Enfield. I saw Mr. Somerset here just now, and he will bear me out that I was at Sir Watkin Wynn's.

8020. What were you doing at the West Indies?—I was in the "Sparrow-hawk" frigate.

8021. A sailor?—I was a sailor boy in my younger days.

8022. Was that after you had been in service?—Before.

8023. Was it as a sailor that you were at Spain and all those different places?—No; I was with Sir Alexander Woodford in Spain; that is, Gibraltar, two years nearly.

8024. How long had you been at Mr. M'Ilwee's, previous to the election?—It might have been, perhaps about a month; no, I had not been there a month; it could not have been a month.

8025. How long?—I could not say.

8026. Do you mean to swear that there was a single door of the house locked any hour of the day, except the outer door of the house at night?—Do I mean to say there was one locked.

8027. Yes?—I always locked the front door myself, and took the key.

8028. I asked, any other door?—There were no other doors to lock, unless we locked the bedrooms.

8029. Were the bedrooms locked?—No.

8030. Did did not these men go up and down through the house where they liked?—No.

8031. You will swear they did not?—I will take my oath they did not.

8032. Did you ever hear one of them complain to Mr. M'Ilwee? We have him here?—I am aware of it; I am aware that you have him here. Mr. M'Ilwee cannot contradict me. My orders were, that if I saw anyone going upstairs, or coming down, I was to stop them.

8033. You

G. Morley.

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8033. You were to prevent them coming down stairs?—I was to prevent them.

8034. You swear it?—I take my oath of it.

8035. Who was present; was Mrs. M'Ilwee present?—She has told me the same thing.

8036. Were Mr. M'Ilwee and Mrs. M'Ilwee present at any time when that was told you; I mean together?—They have told me in the kitchen.

8037. Were they together at any time (I have a reason for wishing to know) when that was said?—I dare say they were.

8038. Do you believe they were?—I do believe they were.

8039. You know they were?—No; I would not say I knew they were.

8040. You believe they were?—Yes.

8041. And that Mr. and Mrs. M'Ilwee being together, you were ordered to let no one up and let no one down?—Mrs. Munce called one day, and I was about to show her up, as she appeared a respectable woman.

8042. I am asking about these, and I want to have it down?—I have told you all I can.

8043. Did you ever hear anyone complain to Mr. M'Ilwee about not being allowed out?—No; I do not remember.

8044. Did you ever hear anyone complain of not being let out?—Yes; several.

8045. Tell me one name?—Stewart and Gamble; they wanted to get home; and a man of the name—I forget it now; I mentioned it a minute or two ago.

8046. Perhaps you will recollect it?—You have got his name down.

8047. We should like to have your recollection?—Park, his name was.

8048. You say Stewart and Gamble?—Yes; and Park.

8049. Was it you or M'Ilwee that prevented Stewart from getting out when he complained?—I have prevented him.

8050. Often?—Well, as often as it was necessary; when I found him on the stairs.

8051. Did you often?—I was not called upon to do so.

8052. As often as he tried to get out you stopped him?—As often as he would try to get out I should have stopped him. I do not remember his trying to get out.

8053. You told me this moment you stopped him?—I stopped him; that is to say, going down stairs.

8054. You have stopped him going down stairs?—I have.

8055. Where was the eating room?—On the first floor.

8056. Was it below the first floor he was going?—Yes; it was below the first floor.

8057. He was going down below the first floor, and you prevented him?—Yes.

8058. Did you push him back?—I told him to go back into his room.

8059. You ordered him up to his room?—I did.

8060. You were a sort of turnkey, I suppose?—No.

8061. You swear you have ordered him up to his room?—I have, more than once.

8062. Why did you tell me two or three questions back, that whether you did or not, there was no occasion, as he did not want it?—When he has been going down by mistake. He was complaining; he was a man constantly ailing. I told him if he remained upstairs I would get him what he wanted; that it was my orders to do so.

8063. He was coming down to the closet?—The closet was half way from the bedroom to the eating room.

8064. Was it to that he was going?—No; below that.

8065. What do you mean by ailing?—He was ailing, that is, he told me he had a pain in his stomach, and wanted something, that is to say, an extra drop. He wanted a little to himself, apart from the others. When we took one up anything to drink, we generally took them all up what we term a breeze. We did not favour one more than the others: it would not have done. That is all I have to say.

8066. Tell us the rest?—I have nothing more to say.

8067. When you took up for one you took up for all?—We had orders to take all of them up something when anything was wanted.

8068. You took it up to all?—Yes.

8069. A sort of breeze?—Yes.

8070. This man was coming down, I suppose, to get a little breeze for himself below?—I do not know what his motive was.

8071. How often did you stop him on the stairs when he was coming down?—Two or three times, perhaps.

8072. How often?—Upon my word I could not say. If you were to ask me to swear I could not.

8073. But you are on your oath?—Then upon my oath I could not say how often.

8074. Ten times?—I would not say.

8075. Might it be twenty times?—I would not say.

8076. Thirty times?—It might have been a hundred.

8077. That you are on your oath to?—I was constantly meeting him. I was up and down stairs all day.

8078. And you might have turned him back a hundred times?—When I saw him getting lower than he ought, I would have turned him back as soon as I would anybody else.

8079. A hundred times?—I should have done so.

8080. I did not ask you what you should have done, but what you did?—I had a good deal of bother with him.

8081. Was it a hundred times? You must have had a great deal to do keeping these fourteen men prisoners?—I am not certain.

8082. If you had all this bother with him, were there other people in the house to attend to?—Yes; we had an ordinary after that in the same room.

8083. A great many people came in and out?—Yes. When these men had done their meals they were put into their bed rooms. Then the others were allowed to go. Their dinner was done with previous to the ordinary, and they were put upstairs to their own room.

8084. What do you mean by "put up?"—Sent up; asked to walk up.

8085. Did you send them up?—No. I did not say I sent them; they had to go up.

8086. Who put them up?—I did not say that anyone put them up.

8087. They walked up?—Yes.

8088. By whose desire?—I would not say.

8089. Did people sleep in the house?—There were one or two slept there.

8090. Did

8090. Did they sleep upstairs?—Yes.

8091. The guests of the house?—There was one young man particularly.

8092. There were guests in the house who slept upstairs?—No. Mr. and Mrs. M'Ilwee slept upstairs.

8093. Were there any guests of the house who slept upstairs?—Beyond these people, do you mean?

8094. Yes?—No; only the maid servants and one young man, to my recollection.

8095. What did you mean by telling me that there were people who slept in the house besides?—When did I tell you that? I told you one, I believe, and Mr. and Mrs. M'Ilwee. I slept in the house myself, and the maid servant. I am telling you the truth.

8096. On your oath, is that what you meant when I asked if other people slept in the house?—Yes.

8097. Mr M'Ilwee and Mrs. M'Ilwee, and yourself?—Yes; and the maid servant and a niece.

8098. The ordinary, I suppose, was for every one who chose to come in?—Exactly so.

8099. And other people came in and out?—Yes, a great number.

8100. You say Gamble was there?—Yes.

8101. Arthur Gamble was one of those people that wanted to get out?—Yes; he has often told me he should be glad to get away.

8102. I am asking, was he one of those that you prevented coming out?—I have stopped him on the stairs.

8103. Whereabouts on the stairs?—At the dining-room floor.

8104. That is where they were in the habit of dining?—Yes; I stopped him at the dining-room floor, because if he had gone lower it would be down-stairs.

8105. Did you stop him before he went down stairs?—No.

8106. You stopped him on the dining-room floor?—Yes; we did not want all of them to go farther.

8107. Did you stop him with your hand, or what? did you push him back?—It is possible I did; I should lay my hand on his shoulder.

8108. Did you?—I did.

8109. You have laid your hand upon Gamble's shoulder, and told him he must not go down?—Yes.

8110. Did you ever tell Mr. M'Ilwee that these people were wanting to get away?—There was no necessity for me to tell him that.

8111. He was master of the house?—I am aware of it.

8112. He knew of these people trying to get away?—He was as sensible of it as myself that they were being detained; they were brought there, and we were to keep them.

8113. Did he know of their trying to get away?—He suspected it. I did not know what his reasons were; and I was even suspected of wanting to get them out.

8114. You were suspected of wanting to get them out?—Yes; Mr. M'Ilwee accused me of receiving a bribe to do so, which I never did. I told Mr. M'Ilwee that.

8115. When did he accuse you of receiving a bribe?—I do not know the particular occasion. More than once he has told me that.

8116. How long had they been there when he accused you?—Perhaps a week.

8117. Was that after some of the Barbour party had been there to get them out?—I do not know.

8118. Which was it, before or after?—I do not know that anybody was trying to get them away; there was a number of people suspected.

8119. Did you know that anyone was trying to come there?—There was a number of people used the house below, wanting to get up-stairs, and they were not allowed.

8120. Do you remember anyone coming there, and offering 25 *l.* to any man who would come away?—No.

8121. Think again; you took a long time to answer?—I am perfectly sure.

8122. That no one could have come; that no one did come?—No one did come.

8123. Did anyone come to them?—They were not allowed to come to them.

8124. Did anyone come to offer 25 *l.*?—I dare-say people came there that would have offered 100*l.*

8125. Did anyone come there offering 25 *l.*?—Not in my presence.

8126. Nor to your knowledge?—Not in my presence.

8127. Nor to your knowledge?—Not to my knowledge; not in my presence.

8128. Did they offer you anything?—No.

8129. They had too great confidence in your integrity to offer anything?—I wish I had something; I would have kept it.

8130. To get them out?—No; if I had been offered anything I should have taken it.

8131. If offered anything to get them out?—No; if anyone had tendered me anything for my attention to them, I should have accepted it.

8132. I did not ask about your attention; I asked if anyone offered you money to try to get them out?—I should not have accepted it.

8133. Have you occupied yourself since you came to London about this case?—No.

8134. You have not?—No.

8135. Have you visited the quarters of the witnesses?—No.

8136. Have you tried to get men to offer to swear?—No.

8137. Do you know a man of the name of Parkes?—Yes.

8138. Did you try to administer an oath to him?—I did, because he told me he was not anxious to get out of the hotel.

8139. I am not asking about that?—He said he was not anxious to get out of the hotel.

8140. I did not ask that?—This is what you are asking me, did I offer to put a man on his oath? That is the answer.

8141. By the *Committee.*] Have you offered to swear any man?—I did.

8142. Whom?—Mr. Parkes, because he said he was not anxious to get out of the hotel. I said, "You were anxious?" I accused him of being anxious. He said, "I was not more anxious than the rest of them." I said, "I suppose, by that, you were anxious, were you not?" That is all I said.

8143. Mr. *O'Malley.*] You tried to swear him?—I asked if he could take his oath upon it.

8144. You produced a book?—No.

8145. Do you mean to say you did not?—There was a newspaper on the table, and I believe there was a railway guide. We had no prayer-book.

8146. Is not a newspaper a common form of swearing in Ireland?—I do not know.

8147. Have you not seen people take a piece of

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of newspaper and swear upon it?—I do not know.

8148. Did you not try to swear him?—I asked if he would take his oath, and he asked me who I was, or what business I had to ask him that.

8149. Where was that?—That was at the hotel I was talking of.

8150. Your hotel?—Not mine, Mr. Gibbon's.

8151. You say you are in the service of Captain Adair?—I am.

8152. Where does he live?—At Lochenmore. I will give you his address if you like.

8153. Where is it?—Two miles from Dunardrie. Lochmore, Park-gate, Belfast.

8154. How long is it since you left there to come here?—I left, I think, on Thursday last, or Friday.

8155. Did you get anything for coming here?—No.

Re-examined by Mr. *Clerk*.

8156. Where were you served with a summons to come here?—At Lochenmore.

8157. At Captain Adair's?—Yes.

8158. Was the summons shown to Captain Adair?—I showed it to him. I took it to Mr. Henry Adair, who was with him; and his brother, Captain Benjamin was with him. They were all at dinner. In fact, they came to me while I was waiting at dinner.

8159. Was he much displeased at your coming away?—Of course, they did not like my coming.

8160. Had somebody else to be found to take your place during your absence?—I had to find some one. Mr. Adair was very ill, and not expected to live from day to day. I had a letter the other day telling me that the doctor slept in the house ever since.

8161. Have you had a letter from Lochenmore since you have been here?—Yes.

8162. Do you happen to have it with you?—I think so. Here is the envelope. I daresay I have the letter, but I do not care about its being read. They miss me very much, and will be glad to have me back again. That is all they say.

8163. Whose handwriting is that?—Miss M'Gilpin, the maid. She is very ill. Here is an address to me when I was at Captain Adair's.

The Witness handed in an envelope addressed "Mr. George Morley, at Captain Adair's, Park Gate, near Temple Patrick, Belfast."

There are some gentlemen not far distant that can tell you I am not telling stories about my whereabouts.

8164. You said you saw Mr. Somerset here, who knew you very well in the service of Sir Watkin Wynn?—Yes, I did; he married one of Sir George Dashwood's daughters, and Mr. Charles Cholmondeley the other.

8165. You mean Mr. Granville Somerset?—Yes; I met him in the lobby.

Elizabeth M'Ilwee was called in; and Examined by Mr. *Clerk*, as follows:

Elizabeth M'Ilwee.

8166. Do you produce your books of account kept between the months of January and February last year, 1863?—I have none.

8167. Will you produce your memoranda, orders, papers, and writings, relating in any way to the election for the borough of Lisburn, in the month of February, 1863?—I have none.

Mr. James Crawford was called in; and having been sworn, was examined by Mr. *Clerk*, as follows:

Mr. *J. Crawford.*

8168. Are you a soap boiler at Bow-street, Lisburn?—Yes.

8169. Are you a voter for Lisburn?—Yes.

8170. For whom did you vote at the February election?—Mr. Barbour.

8171. Do you know Alexander M'Cann, a lawyer's clerk at Lisburn?—Yes.

8172. Before the election in February did he ever come to your house?—Yes.

8173. Could you say about how many days before the election it was?—About 10 days.

8174. What time of the day was it when he came to you?—Half-past ten at night.

8175. Where were you?—In bed.

8176. Do you usually go to bed so early?—Yes; I have to rise at half-past five in the morning.

8177. What did Mr. M'Cann say to you when he came?—We had a great deal of conversation.

8178. About what?—About the election. He said he would give me 20*l.* if I would vote for Mr. Verner.

8179. Did he say anything more to you?—Not that I can remember.

8180. What did he say when he made you the offer of 20*l.* to vote for Mr. Verner?—I said, "I have promised to Mr. Barbour, and I would not break my word."

8181. Did Mr. M'Cann say how he came to come to you?—He mentioned Mr. Glenmore Richardson's name.

8182. What did he say about him?—I do not remember, only his just mentioning it.

8183. Was there anything else said about your staying at Lisburn, or anything of the kind?—No.

8184. Did any one else come to you besides Mr. M'Cann?—Yes, there was Sam Smith.

8185. Who is he?—A millwright at Mr. Richardson's.

8186. Which Mr. Richardson is that?—Mr. Glenmore.

8187. Where did you see him?—I saw him there. I was in bed at the time.

8188. About what time was it when you saw Samuel Smith at your house?—Between nine and ten o'clock, as near as I can calculate.

8189. What did Mr. Smith say?—He said if I would vote for Mr. Verner I would be remunerated.

8190. How long was this visit of Mr. Samuel Smith's from the time Mr. M'Cann had come to you?—It might be two or three nights.

8191. Two or three nights after?—Two or three nights apart.

8192. What did you tell Smith when he said you

you would be remunerated if you voted for Mr. Verner?—I said I had promised Mr. Barbour, and would not vote for anybody else.

8193. After Smith's visit did another gentleman call upon you?—No, he sent for me to the Hertford Arms.

8194. Do you know who came?—It was a man they call Green.

8195. What time of the day was it you were sent for to the Hertford Arms?—On the Saturday night before the election.

8196. A week before the polling?—Yes.

8197. By the *Committee.*] Who is this Green?—He is a carter.

8198. Does he work for anybody in particular?—He works for me. I keep carts on the road. he drives for me.

8199. Mr. *Clerk.*] In consequence of what Green said, did you go down to the Hertford Arms?—Yes.

8200. At what time of day?—About ten o'clock at night, as near as I can tell.

8201. You had not gone to bed then?—No; I sat up later on Saturday night.

8202. Did you go down to the Hertford Arms?—Yes.

8203. Where did you go when you got to the Hertford Arms?—I went into the parlour.

8204. What parlour is that? Where is it?—On the left-hand side going in at the station-house door.

8205. Did you, or did you not, go up any stairs to get to it?—No.

8206. You went into the parlour on the left-hand side?—Yes.

8207. Whom did you see there?—I saw George Wilson and a great many voters.

1208. Did George Wilson say anything to you?—We had some conversation and some drink.

8209. In this room?—In that room.

8210. What was the conversation about?—About the election.

8211. What else?—When I would not give in, and vote for Mr. Verner, he said, if I would not vote at all he would give me 10*l.*

8212. Did he show you any money?—No.

8213. Did he do anything when he said that?—He had his hand in his pocket at the time. We were both standing.

8214. What did you say to that offer of George Wilson's?—He wanted to send for a car to take me away. I said they would not kidnap me.

8215. After that, did you stay there, or go away?—I went away. I wanted to go out, and I got out.

8216. What do you mean?—I wanted to go out of the Hertford Arms.

8217. Was there anything to prevent your walking out?—No.

8218. What was the state of the door while this conversation was going on?—I could not say whether it was shut or not. Green was in the room at the time.

8219. You say there were persons in the room when you went in there?—I could not say.

8220. You said there were persons there beside George Wilson?—This was another room.

8221. When you first went in, when you went into the parlour, on the left-hand side?—Yes.

8222. What was the other room?—I went in and saw Mr. Smith there, and two or three others.

8223. By the *Committee.*] That was in the first room, in the parlour?—Yes.

8224. Mr. *Clerk.*] You saw Mr. Smith and two or three others there?—Yes.

8225. What were they doing?—They were in the way of meeting.

8226. Was there anything on the table? What sort of meeting?—No; there were two glasses of whiskey fetched in.

8227. No other whiskey but what was fetched in?—No.

8228. Then did you leave that room to go to some other?—Yes.

8229. Who went with you to the other room?—I think George Wilson.

8230. Where was the room into which you went with George Wilson?—I think it was up a few steps of stairs.

8231. Was there anyone else besides you and Wilson up a few steps of stairs when this conversation went on?—I think Green was there.

8232. The man who fetched you?—Yes.

8233. Did you refuse Wilson when you made this offer to you?—Yes.

8234. What did you tell him?—I said I should not do it as I had promised to Mr. Barbour, and he said "James, I know what sort of man you are."

8235. What happened then?—I came out after that.

8236. And voted for Mr. Barbour?—Yes.

8237. Between that Saturday, and the Saturday the day of election, where were you?—I went to Hildon on Monday morning.

8238. How came you to go to Hildon?—I could not have peace at home.

8239. Did you go by yourself to Hildon, or did anyone take you?—I went in a car.

8240. How long did you stay there?—Until Friday before the poll.

8241. Where did you then go?—I went into the Queen's Arms.

8242. Mr. M'Wright's Hotel?—Yes.

8243. When you went into the room that you called the parlour, did you see any of the persons who were there besides Smith?—Yes; I saw Mr. Banister.

8244. Which Mr. Banister is that?—He keeps a public house the other side of the street.

8245. Is that Jacob Banister?—Yes.

8246. Can you mention anyone else?—A little fellow they call Hogg, that wanted me to go in a car along with him.

8247. Anyone else?—A great many.

8248. Could you tell us their names? Can you remember any of them at that meeting?—I saw Alexander M'Cann.

8249. The one who had come to you before?—Yes.

8250. Anyone else?—I think his cousin, Thompson M'Cann, and a great many more.

Sabbati, 19° *Martii*, 1864.

HUGH E. ADAIR, Esq., in the Chair.

The Names of the Members were called:—All present.

Mr. *Clerk* informed the Committee that he should call James M'Gourk for the purpose of fixing the date of a letter written to Mr. Barbour, although he would not put in the letter as evidence.

Mr. *O'Malley* said he would admit the letter.

James M'Gourk was called in; and, having been sworn, was Examined by Mr. *Clerk*, as follows:

J. M'Gourk. 19 March 1864.

8251. Do you know the person named John Orr, at Lisburn?—Yes.

8252. Do you remember writing a letter for him?—I do.

8253. Is that the letter (*producing the same to witness*)?—It is my handwriting; the occurrence took place on the 18th, and I wrote that on the 21st.

8254. To Mr. Barbour?—Yes.

8255. By the *Committee.*] On the 18th of what?—The 18th of June.

8256. And the letter was written on the 21st?—Yes.

8257. *Chairman.*] And the day of the poll was what?—

8258. Mr. *Clerk.*] The 25th; it was written four days before the election. This being a letter from the witness I cannot put it in evidence, but I merely fix the date when it was written?—I was present when the words were made use of in the same letter by John Hamilton.

8259. When did you come to London?—Yesterday.

Mr. *O'Malley* on behalf of the Sitting Member, was heard in opposition to the petition.

Edward Wingfield Verner, Esq., a Member of the House, having been sworn, was Examined by Mr. *Cooke*, as follows:

E. W. Verner, Esq.

8260. We have heard that you arrived in the neighbourhood of Lisburn on the 9th or the 10th?—On the 9th.

8261. By whom had you been requested to become a candidate for the borough?—Mr. Samuel Yates Johnson.

8262. Is he a Lisburn gentleman?—No, he is a barrister at Dublin.

8263. A friend of your own?—Yes; I did not know him at the time.

8264. Did you on Monday proceed from Belfast to the house of Mr. Richardson of Glenmore?—No; on Monday I went down to Belfast.

8265. Then on Tuesday you arrived?—On Tuesday morning I drove into Lisburn.

8266. By the *Committee.*] You are speaking of the February election?—Yes.

8267. Mr. *Cooke.*] On the morning of that Tuesday did you reach Lambeg, the residence of Mr. Richardson?—Yes.

8268. He was the gentleman who had been the late Member, and resigned his seat?—Yes.

8269. About what period of the day did you reach Lambeg?—About 12 o'clock I think.

8270. Did you proceed to Lisburn, calling on Mr. Richardson of Glenmore in your route?—I picked him up on my way.

8271. Now, on arriving at Lisburn, do you recollect where you first went to?—I went to Dean Stannus's.

8272. From Dean Stannus's whence did you proceed?—I walked down to the Hertford Arms.

8273. Did you there find any of the inhabitants waiting to receive you?—I believe there were some of them there.

8274. By the *Committee.*] Did you canvass on your way from Dean Stannus's to the Hertford Arms?—I do not think I did; it is only a few steps.

8275. Did you stop and speak to any one; was any one introduced to you?—I may have stopped; I do not remember.

8276. Mr. *Cooke.*] Do you remember the fact of canvassing any one until after you had reached the Hertford Arms?—I do not.

8277. For instance, did you call at Mr. Waring's office on your way to the Hertford Arms?—No, I did not.

8278. On your arrival at the Hertford Arms do you remember who then met you, or how the canvass commenced?—I remember there was a great crowd in the street, and a great many of the principal inhabitants, as I understood, met me there to start on the canvass.

8279. Was that canvass immediately commenced?—Yes.

8280. With

8280. With whom, if there was any one, did you commence the canvass?—I forget now, there were so many with me at the time, but there were several of the principal inhabitants.

8281. Which street did you go down first?—I went down Bow-street.

8282. Calling at the houses as you went down, or did you go to any particular spot to commence first?—No; I believe I called on every elector as I came to his house.

8283. Can you call to mind by name any of the principal inhabitants who accompanied you down Bow-street?—Yes, I think Mr. Jefferson and Mr. Beatty, and Mr. Richardson.

8284. Of Glenmore?—Yes.

8285. By the *Committee.*] Was there any one else?—I do not remember who there was now. There were a great many.

8286. You knew Mr. Jefferson and Mr. Beatty at that time?—I had just been introduced to them.

8287. Were you introduced to anybody else at the same time?—Yes, to several.

8288. But none whose names you remember?—I cannot remember; they were all strange faces.

8289. Did a great number accompany you in the canvass which you speak of?—A great many.

8290. Mr. *Cooke.*] Mr. Jefferson and Mr. Beatty were strangers to you until that day?—Yes.

8291. At that time in what state was the town with regard to repose?—In a very excited state; there were great mobs in the street.

8292. Did you hear of any riots that had taken place before?—

Mr. *Clerk.*] The question should be limited.

8293. By the *Committee.*] Did you see any marks of rioting as you went along?—

8294. Mr. *Cooke.*] During the canvass at Bow-street you say that many persons accompanied you. Did anything particular occur to you with regard to the condition of the town?—Yes, I was obliged to have a guard of men with me to keep me from the violence of the mob; I was hustled and pushed about, so that I had to have men to keep them off.

8295. Where did you sleep at night during the time of the canvass from the time of your arrival till the election was over?—At Belfast.

8296. By the *Committee.*] You returned to Belfast every evening?—Every evening.

8297. Mr. *Cooke.*] Coming back every morning?—Coming back every morning.

8298. By the *Committee.*] Did you start upon your canvass with this guard to which you have alluded?—Yes.

8299. You found them ready prepared for you?—Walking down from Dean Stannus's to the hotel, we found so violent a mob in the street that I had to have this guard. It was considered by my friends to be safer.

8300. During your canvass do you remember at any time calling with Mr. Beatty at the house of a witness produced here named John Orr?—I do not remember it particularly.

8301. Did you ever with Mr. Beatty go up stairs in a room, with a woman, Beatty, and a fourth person, a third person besides yourself?—I think it is very likely that I did go up stairs.

8302. Were you present when any woman said she must have 50*l.* for her vote?—No, I was not; that I distinctly deny.

8303. Did you ever, being upstairs with Beatty and a woman and a third person, on hearing money alluded to, say, "We must go downstairs?"—No.

8304. Were you ever with Mr. Beatty when a voter's wife or any female alluded to money, and did you hear Beatty say, "Did you ever see anything that was not clever in Beatty?"—I do not quite understand.

8305. Did you ever hear a woman ask 50*l.* for her husband's vote, and then hear Mr. Beatty say, "Did you ever see anything that was not clever in Mr. Beatty?"—I do not understand the latter part of that.

8306. Were you present when Beatty said to any woman that he would not be worse than the rest with reference to money?—I was never present when he said that.

8307. Did any woman say to Beatty, in your presence, that she wanted 50*l.* for her husband's vote, which sum she said was going?"—I never heard any woman use such words.

8308. Are you prepared to deny it?—I am prepared to deny it entirely.

8309. Were you ever present when Beatty said to any woman, "Did you ever hear anything that was not clever in Mr. Beatty?"—I never heard any such thing.

8310. In reference to an application for money for a vote?—I never heard any such thing.

8311. Did you ever propose to any person to go downstairs when you heard any woman coming so close on Beatty with reference to money?—Did I ever propose to go downstairs?

8312. First of all, did you ever hear any woman pressing Mr. Beatty to pay money for her husband's vote?—I never did.

8313. Did Beatty ever, in your hearing, offer any voter any money?—Never.

8314. Or offer the wife of any voter money?—Never.

8315. Or offer any other person money for voting?—He never did.

8316. Did you ever directly or indirectly sanction any offer of money to any person for a vote?—No; on the contrary, I several times said that I discountenanced anything like bribery.

8317. Do you know a woman who has been examined here of the name of Miller?—No.

8318. Did you see her under examination?—I did not.

8319. Were you ever with Beatty and Young at the house of a voter named Miller, when any offer was made by either of them for the vote of that man?—Never.

8320. Have you any recollection of calling with Mr. Young at the house of a voter named Miller?—I may have called, but I do not remember.

8321. Do you recollect ever having left Young in the house, and standing outside with your hand upon your haunch for a minute or two?—I do not recollect.

8322. After money had been mentioned inside?—No; no such thing. There was no money offered in any house during my canvass.

8323. By the *Committee.*] I presume in your presence and hearing?—To my knowledge.

8324. Or in your presence, or in your hearing?—Yes.

8325. Mr. *Cooke.*] Did Young ever inform you that he had offered money to any person for a vote?—No, he never did.

8326. At the June election, did you say to Arthur Gamble that he would get money for voting for you at that time?—No.

8327. Did you ever say to him, "You will have to back us this time, and if you do, you will

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will get for it" (meaning money), at that election?—No, I never used such words.

8328. By the *Committee.*] Did you ever hear Beatty say that there would be a reward, and they would be better to us next time?—No.

8329. Mr. *Cooke.*] Did you say to Gamble that you would be better to him if he voted for you at that election?—No.

8330. Or words to that effect?—No.

8331. Were there any words used by either George Thompson or Beatty, in your presence or hearing, conveying to Gamble that he would be rewarded if he voted for you at the June election?—I did not hear any such words.

8332. Could such words have been uttered in your presence without your hearing?—Oh no.

8333. Are you prepared to contradict the statement?—I am prepared to contradict the statement that any such thing was said in my presence, or in my hearing.

8334. By the *Commitee.*] Either by Beatty or Thompson?—Yes.

8335. Mr. *Cooke.*] Were there any words used by you, or by Thompson and Beatty, in your hearing, to the effect that if he would come on and vote for you he should have a reward?—No.

8336. Or did Beatty say, in the presence of yourself and Thompson, "We will be better to you next time"?—No.

8337. Is there any pretence for any such words having been used with your knowledge, or in your hearing?—None whatever.

8338. Did you ever authorise a man of the name of James Allen to convey 1 *l.* to Gamble's wife?—I never did.

8339. Did you ever directly or indirectly give orders for, or sanction, any expenditure of money to be given to voters to induce them to vote for you?—I never did.

8340. At either of the two elections?—At neither election did I authorise anything of the kind.

8341. To whom did you entrust the management of the February election?—To Mr. Lucas Waring and Mr. Moore.

8342. Which was the managing man?—Mr. Moore did the business mostly, I think.

8343. Mr. Moore, we hear, is a solicitor of Dublin?—A solicitor of Dublin.

8344. By the *Committee.*] Have you lately had any communication from Mr. Moore?—No.

8345. Mr. *Cooke.*] Have you not, about his state of health?—Yes, I have heard about his health; but I have had no direct communication.

8346. By the *Committee.*] You do not know the state of his health?—I have heard of it. When I was last in Ireland I was inquiring continually after him.

8347. Mr. *Cooke.*] In what condition is Mr. Moore, in your belief?—Very seriously ill.

8348. Do you believe him to be in a state capable of coming to London to give evidence?—No.

8349. Mr. *Clerk.*] Have you seen him lately?—No, not lately; I could not see him, he was so ill.

8350. Mr. *Cooke.*] Have you tried to see him?—I several times called at his office, and I was told that I could not see him because he was so seriously ill.

8351. I mean with a view of having his assistance in the management of the petition?—Yes, I called several times, and he was seriously ill.

8352. Should you have been glad to secure his services in London during the progress of the petition if you could?—I should have been only too glad.

8353. Is the reason you have not been able to secure his attendance before this Committee his serious state of illness?—Yes, it is.

8354. Had you any committee of inhabitants of Lisburn to assist your election?—No, no committee whatever.

8355. I am speaking of the February election. Had you any in June?—No.

8356. By the *Committee.*] Had you no committee at either election?—No committee at either election, only the legal agents. I did not call them a committee.

8357. Had you some legal agents at both elections?—Yes.

8358. The same number and the same men?—The same number? I do not exactly know about that, whether there were as many at one as at the other, but I had the two chief persons, Mr. Moore and Mr. Lucas Waring.

8359. They were the two chief agents?—Yes.

8360. Mr. *Cooke.*] There were some other legal gentlemen to assist in the booths, and so on?—Yes.

8361. Mr. Pennington?—Yes, he was one; I forget the names.

8362. Mr. Crawley?—I think he was; I forget the names exactly.

8363. Was Mr. David Beatty employed by you in any way as agent to conduct that election, or any part of it?—No, none whatever.

8364. Was Mr. Redmond Jefferson employed by you in any capacity?—Neither was he.

8365. Was Mr. Samuel Young employed by you in any capacity in that election?—No.

8366. Was Mr. John Herman employed by you in any way for that election?—No.

8367. Was Mr. Graham, the brewer, ever employed by you in that election?—No.

8368. As you went to Belfast every night and returned in the morning, what was the course you took in your canvass; did you find anybody waiting for you at the railway station, or arriving at the railway station, did you proceed to any place first?—I generally walked up to the Hertford Arms.

8369. Were you accompanied by any one, usually, from Belfast to the Hertford Arms?—Yes.

8370. By whom?—By Mr. Crossley and Mr. Calbeck.

8371. Was Sir William Verner with you?—He was there a short time; a part of the time.

8372. Did you proceed from the Hertford Arms on your canvass?—Yes.

8373. What money have you paid to any person for the February election?—£. 100.

8374. To whom?—To Mr. Waring.

8375. And what money has been paid for the June election?—The same sum.

Chairman. Do you mean what money has been paid, or paid by Mr. Verner.

Mr. *Cooke.* I mean by Mr. Verner, or by his authority.

8376. The same sum you say to Mr. Waring?—Yes.

8377. By

8377. By the *Committee.*] By you?—It was paid on my account.

8378. Mr. *Cooke.*] Have you had your final settlement with Mr. Waring as to the pecuniary accounts of the election yet?—No; owing to the serious illness of Mr. Moore he was unable to furnish me with the account.

8379. Do you consider yourself a debtor to Mr. Waring for whatever may be beyond that 100 *l.* ?—I do.

8380. For June and February?—Yes.

8381. By the *Committee.*] Does the unarranged account extend to the February election as well as the June?—To both.

8382. Was this 100 *l.* any portion of a subscription, or was it entirely paid by you?—Entirely paid by me.

8383. Mr. *Cooke.*] Had you or Sir William anything to do with the first petition against the return of Mr. Barbour?—Nothing whatever; the first time I heard of it was when it was presented in the House of Commons.

8384. Therefore the accounts between you and Mr. Waring relate only to the two elections. You heard of the petition, when?—When it was presented to the House of Commons.

8385. By the *Committee.*] You never subscribed to that petition, or took any part in it?—No; that was the first time I heard of it, and I was very much surprised.

8386. Mr. *Cooke.*] That was your first election, I believe?—Yes.

Cross-examined by Mr. *Clerk.*

8387. You have mentioned a Mr. Johnson as the gentleman who in Dublin asked you to become a candidate for Lisburn?—Yes.

8388. Has he anything to do with Lisburn?—Not that I know of.

8389. Was he the only person whom you saw in Dublin on the subject of standing before you came to Lisburn?—Yes, he was.

8390. You had no deputation from Lisburn itself?—None to me.

8391. Had there been any deputation, to your knowledge, from Lisburn before you saw Mr. Johnson?—I cannot say that there was.

8392. Did Mr. Johnson give you no information on the subject?—No.

8393. I must trouble you to inform the Committee how it was that, upon the application of Mr. Johnson, a stranger to Lisburn, you went down and stood there?

8394. *Chairman.*] And a stranger to the witness himself, he says?—I was living in England at the time when I received Mr. Johnson's letter.

8395. Mr. *Clerk.*] But a stranger wrote to you from Dublin, and upon that you went from England to Dublin?—No; he wrote from my father's place.

8396. He communicated from your father's place in Ireland, and upon that did you go to Dublin?—Yes.

8397. Have you that letter here?—No.

8398. Is it in existence?—I think not.

8399. Can you inform the Committee of the contents of the letter?—It was merely saying that my father had consented to allow me to stand for Lisburn at his request, and he hoped I would accede to it too.

8400. You do not know how it was that Mr. Johnson came to interfere in the matter, he being a stranger to Lisburn?—Yes; because he is a very energetic Conservative in Dublin, connected with the Registration Society.

8401. He is not connected with Lisburn?—Not to my knowledge.

8402. Did he give you any information with regard to Lisburn or the people there before you went down to Lisburn?—I think he did give me some general information.

8403. Did he give you no names of the leading people there, influential persons?—No; I do not remember that he did.

8404. By the *Committee.*] I presume it is the Conservative Registration Society in Dublin with which he is connected?—Yes.

8405. Mr. *Clerk.*] How were you aware that Mr. Johnson was connected with the Conservative Registration Society at Dublin?—I have seen him there.

8406. In Dublin?—Yes.

8407. At the office of the Registration Society?—Yes. Perhaps I may be wrong in calling it the Registration Society; it is a Conservative Society.

8408. When you went first to Lisburn, were you aware that Mr. Bateson had been a candidate in the month of January?—Yes.

8409. And that he had retired?—Yes.

8410. I think you said that Mr. Johnson was a barrister?—Yes.

8411. You have not mentioned the date at which you saw Mr. Johnson; you say you passed through Lisburn on the 9th?—The 9th was on the Monday; I think it was the Friday previously I saw him.

8412. You had issued no address till you arrived in Lisburn?—I issued it the first day, the evening of the first day I canvassed.

8413. Just recollect whether, when you came with Mr. Richardson of Glenmore, you stopped at Mr. Waring's office before arriving at the Hertford Arms?—No, I feel an impression on my mind that I went to Dean Stannus's first.

8414. How did you go to the Hertford Arms; did you walk or go in a carriage?—I walked down.

8415. Did you not call on Mr. Lucas Waring; you know his office?—Yes.

8416. Is it near Dean Stannus's?—It is on the other side from the hotel.

8417. Do you recollect whether you went into Mr. Waring's that morning?—I do not recollect.

8418. You know a person of the name of Alexander M'Cann by this time, no doubt?—Yes, I know him.

8419. He was a person employed as a personation agent on your behalf on the day of election?—Not to my knowledge.

8420. You do not know that, you do not know who were the persons employed on your behalf in that respect on the day of the February election?—I do not remember.

8421. Do you recollect when you first saw Alexander M'Cann at Lisburn?—No, I cannot say.

8422. Have you any recollection when you first went to Mr. Lucas Waring's, your principal local agent, on what day?—I have no recollection; he used to meet me in the street, or at the hotel.

8423. Do you not recollect whether you called at his office the first thing upon arriving in Lisburn?—No; it is my impression I did not do so.

8424. Did any body introduce you to Mr. Waring, or take you to his office?—I was introduced

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introduced to him as I was to other people in Lisburn.

8425. Do you recollect where?—I do not. I think it was most probably just after coming out of Dean Stannus's.

8426. We have had Mr. Richardson here; was it not by Mr. Richardson of Glenmore that you were introduced to Mr. Waring?—I cannot remember.

8427. Your memory, perhaps, is not very good, and I do not want to press it more than may be necessary; but do you recollect whether, about the time you came into Lisburn, you were introduced to Mr. M'Cann?—No, I was never introduced to Mr. M'Cann, and I did not know which was Mr. M'Cann till after the first election.

8428. You have no recollection of being introduced to Mr. M'Cann by Mr. Richardson of Glenmore?—No, I was not introduced.

8429. You say you were introduced to a great many persons whose names you do not recollect; how is it you can say you were not introduced to Mr. M'Cann until after the election?—Because I recollect the peculiar face of Mr. M'Cann, and often wondering who he was.

8430. He had a peculiar face?—He had a peculiar face, and I had no idea who he was. It was not until after the election I found out who he was.

8431. Where used you to see him?—At various places. He sometimes came into the room at the Hertford Arms; sometimes I met him in the streets. He never seemed to me to be doing anything.

8432. You were in the Hertford Arms almost every day?—Yes.

8433. By the *Committee.*] Did you ever speak to Mr. M'Cann during the first election?—I may have.

8434. Mr. *Clerk.*] Have you any recollection what the conversation may have been?—Oh no.

8435. Did you ever see any destruction of the houses in the streets?—I have seen houses barricaded up, with the windows all broken.

8436. When did you first see that?—I saw it the first day.

8437. On the 10th?—On the 10th.

8438. Do you recollect observing the state M'Wright's Hotel was in?—I did.

8439. What state was that in?—In a very shattered state. The windows were in a very shattered state.

8440. Mr. *Cooke.*] What day was that?—I think the 10th.

8441. Mr. *Clerk.*] Do you know Mr, John Miller; do you remember his house in Lisburn?—Yes.

8442. Was not that also in a very shattered state?—I do not remember.

8443. Have you any recollection when it was that you were first introduced to Mr. Samuel Young?—No, but I think it is very probable it was the first day.

8444. Can you say whether or not you ever went with him into any person's house?—Oh, yes. I went into one or two with him.

8445. Did you recollect Mrs. Miller when you saw her here?—I did not see her here.

8446. Can you say whether or no you ever went into Mrs. Miller's house?—Oh, no.

8447. You cannot say whether you did or not?—I cannot say.

8448. Did you hear Mrs. Orr examined?—Yes.

8449. Had you any recollection of her features?—No, I had not.

8450. Do you know whether or not you went into an upper room in her house?—I think it is very likely I did.

8451. At the June election, do you recollect Gamble complaining to you that the gentlemen did not keep their promises?—No.

8452. Do you recollect anything of the conversation? Do you recollect calling on Gamble at the June election?—I do.

8453. Do you recollect anything that took place at that time?—In what way?

8454. At the time you canvassed Gamble, you called, I suppose, to see whether he would vote for you?—What I recollect passed was that I think I saw his wife first, and that she called him.

8455. He was at the back part of the premises, and she called him forward?—Yes; she was right in that.

8456. Do you recollect anything that took place when you saw Mr. Gamble, the man himself?—I recollect that he said something about having been treated badly at the former election. There had been so much rioting and so many complaints to me of being treated with violence by the mobs that I thought he referred to that, and I said I was very sorry to hear it.

8457. Did you say anything about it would be all right this time, or anything to that effect?—No.

8458. Did you hear Mr. Beatty make any observation to Gamble at the time he was making this complaint about having been ill-used at the previous election?—No; I do not remember any observation.

8459. Do you recollect whether Gamble said that he would rather vote for his own townsman?—I do not remember it.

8460. You will not undertake to say he did not say so?—No.

8461. Will you say whether you asked him to back you at the June election?—I asked him for his vote. I do not remember the exact words I used.

8462. Did you know, previously to the election in February, that several of your supporters were residing in Belfast?—No, I did not know it.

8463. You never heard of it?—I heard of it.

8464. Where?—Oh, it was common report in the town. I do not know who told me. I do not mean I knew it before the election, or heard of it before the election; but when I went down there I heard the report.

8465. By the *Committee.*] Subsequently?—When I arrived in Lisburn I heard the report.

8466. Mr. *Clerk.*] When you arrived on the 10th of February, you heard that some of your own supporters were at Belfast?—I do not know that it was on the 10th, or the 11th, or the 12th. It was about that time.

8467. Soon after your arrival?—Yes.

8468. Was it a matter that was ever alluded to to you by Mr. Moore?—No; I never remember Mr. Moore alluding to anything of the kind to me.

8469. Was it alluded to by anybody in that large room at the Hertford Arms in which your legal advisers were in the habit of sitting?—I cannot say. It may have been. I do not remember.

8470. It was a matter which surely must have attracted

attracted your attention upon arriving at Lisburn?—

8471. By the *Committee.*] Have you not used the words, "very likely"?—"Very likely;" yes, in the course of conversation.

8472. Mr. *Clerk.*] With your own friends, I suppose you mean?—With my own friends.

8473. Can you say at all who it was that brought it under your notice?—No, I cannot.

8474. Is your memory quite a blank upon that subject?—Quite a blank upon that subject.

8475. Did you take any pains to inquire where they were?—No, I did not.

8476. Did you ever take the trouble to inquire where they were taken away, or did you know that?—No, I did not know it; I heard when it was talked about that they had gone away before I arrived.

8477. By the *Committee.*] You never yourself asked when they went away?—I do not remember having asked.

8478. Or why they went away?—I may have done so; but at the time I heard they had gone away, it was said that the reason why they had gone was at their own request, on account of the violence of the other side, who were trying to take them out of their houses.

8479. That is what was told you?—Yes.

8480. But you never made this fact the subject of conversation with your legal adviser, or took any pains to inform yourself of the circumstances attending the going away of those voters?—No, I cannot say that I ever did.

8481. Mr. *Clerk.*] Did you ever make any inquiries as to where they were in Belfast?—No, I did not.

8482. You were going backwards and forwards to Belfast every day I suppose; do you mean that you did not learn that they were staying, I will not say voluntarily or involuntarily, staying in public houses and hotels at Belfast?—I did not know where they were; I left it to Mr. Moore to arrange the affairs of the election; and I supposed that as they were taken away, or gone away at their own request, to avoid violence from the other side, that it was a perfectly right thing that they should be in Belfast; but I did not make any further inquiry.

8483. Did you never inquire of Mr. Moore what might be the cost of such a proceeding as the sustenance of those men?—No, I did not.

8484. Your own subscription to the expenses was 100 *l.* at each election?—£.100 has been paid.

8485. Did anybody else subscribe anything beyond that, to your knowledge?—Not to my knowledge.

8486. Have you ever taken the trouble to inquire, since the February election, how much has been published as the expenditure by the election auditor on your account?—No, because I went immediately to England; and I stayed in England two or three months.

8487. If that account shows that up to the present time, with those unsettled accounts, 192 *l.* has been spent, can you give any account to the Committee as to whence the other 92 *l.* has come, beyond your donation or payment of 100 *l.*?—I suppose Mr. Waring has paid it; but he has an account, as I told you, against me; he has not made up his accounts and furnished me with them, in consequence of Mr. Moore's serious illness.

8488. The Hertford Arms' large room was used on your behalf I think, for a fortnight, a fortnight at least prior to the election?—I believe so.

8489. It was there that Mr. Moore and Mr. Waring sat?—Yes.

8490. Mr. Waring was engaged for many days there, but not on your behalf?—He was engaged at both elections.

8491. I am speaking of the February election; was he not engaged for a period of upwards of a fortnight, or for a fortnight at least?—I do not know how long the time was that I was down there.

8492. Had any arrangement been come to between you and Mr. Waring, as to the amount of his remuneration for his services?—No, I have not spoken to him about it.

8493. I presume he was acting for you as a paid solicitor?—Yes.

8494. Do you know that 6*l.* 6*s.* is the only amount inserted in the account of your expenditure at the February election for Mr. Waring's services?—No; I did not know it. I have had no accounts from him.

8495. Have you never taken the trouble to look at it?—I have not had any accounts from him yet.

8496. From the February election up to the present time, you have received no accounts from Mr. Waring?—No; in consequence of Mr. Moore's serious illness, he has not been able to furnish me with them.

8497. Did he not act for you in the month of June?—Yes; he was very ill then. He has been ill ever since the February election more or less.

8498. He came from Dublin to Lisburn?—He did come down for a part of the time.

8499. Between February and June he furnished you with no accounts of the February election expenses?—No; I got no account furnished. I was away.

8500. Mr. Waring was the local gentleman, was he not?—He is the local solicitor.

8501. Neither Mr. Moore nor he, I understand, has furnished you with any account of the expenses for the February election?—No.

8502. I dare say, though you took no part in the presentation of the petition against Mr. Barbour, you remember that there was one, and that it was tried here?—Yes.

8503. Was Mr. Moore the conducting agent of that petition against Mr. Barbour?—I cannot say.

8504. Were you not here?—No; I was in London. I did not interest myself in the matter.

8505. I hope Mr. Lucas Waring is not ill?—I believe not.

8506. At the present time, have you received any account of the charges against you for the use of that room or rooms at the Hertford Arms?—No; I have not.

8507. Did you give authority to Mr. Calbeck to pay the expenses for this room on your behalf?—No; I did not.

8508. Did you give him any authority to make any payment for you?—No.

8509. You have told us of what you had learned soon after you came into Lisburn at the February election with regard to some of the voters going to Belfast, did the same thing occur in June?—Not to my knowledge.

8510. Not to your knowledge?—No.

8511. Were you here when a man of the name of Stewart was examined the other day?—Yes.

8512. He stated that before he went to Belfast in June he saw you at the Hertford Arms; and he

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he says he went to Mr. Weir's; do you know a man named Weir at Belfast?—Yes; I have heard of it.

8513. In connection with the Lisburn election?—Yes, but I did not hear of it at the time of the election, not until long after the election was over.

8514. Could you recollect from whom you heard that any of the voters had been at Weir's?—No. The first time I heard of it, I believe he brought an action against Alexander M'Cann, or M'Cann against him, which was for some lodging account at Belfast.

8515. Were you not aware that Weir's was one of the houses where some of the Lisburn voters were?—No.

8516. When?—At the time of the election.

8517. At the February election were you not aware of that?—No, I did not know.

8518. Did you not know, prior to the June election, that some of the voters had been there at the February election, at Weir's?—No.

8519. Subsequently to the June election you first heard of Weir's name?—I heard of it when that action was brought.

8520. Do I understand you to say you are at this time unaware that any voters were taken in cars from Lisburn to Belfast at the June election?—I am quite unaware beyond what I have heard sitting in this room.

8521. At the June election also you paid 100*l.* for the expenses of your election?—Yes.

8522. That is still an unsettled account also?—It is.

8523. Are you aware that in the auditor's account, certified by Mr. Irwin, the account is 167*l.* Mr. Irwin was your agent for election expenses, was he not?—He was, I believe.

8524. Were you aware that the account certified by him contains the expenditure of 167*l.* at the June election?—I may have seen that in the newspaper.

8525. You did not know it otherwise?—I have forgotten it.

8526. You stated a little while ago to me that Sir William Verner had given his permission for your standing for the borough of Lisburn?—Yes.

8527. Allow me to ask you, inasmuch as his permission was asked, whether he was to contribute, or did contribute, towards the expenses of your contest?—I believe he was to pay.

8528. Beyond that 100*l.* that you paid?—I suppose so.

8529. Do you know from him how much has yet been paid?—No.

8530. You took no part with regard to the petition against Mr. Barbour; did Sir William Verner contribute to that petition against Mr. Barbour?—No, he did not.

8531. Did you ever see any person sustain personal injury at the February election?—Yes.

8532. Who was that?—Mr. Beatty.

8533. Where was that?—In the street. He was walking along with me, and a man came out and knocked him down.

8534. With his fist?—He pushed him with his hands, and a thing that looked like a poker.

8535. Was that the man with a red-hot poker?—It was not red hot. It was a thing they stuff harness collars with.

8536. Were you present one day when some supporter of Mr. Barbour was being canvassed for his vote, and they were holloaing through the key-hole, "To hell with the Pope;" and he came out with a hot poker?—No.

8537. You were not present?—No.

8538. Until you came on the 10th of February into Lisburn, were you a complete stranger to the town?—I was.

8539. Unknown to anybody there?—Yes; I knew the Stannus.

8540. I think the Stannus interfered very little with the February election?—They did not interfere at all.

8541. By the *Committee.*] Did the Dean and his son vote for you at the June election?—At the June election they did. They were present at the February election.

8542. They did not vote in the February election?—No.

8543. Neither did they pair with anybody?—No.

8544. Mr. *Clerk.*] Did Mr. Johnson accompany you from Dublin to Belfast before you came to Lisburn?—No; he did not.

8545. Did you go by yourself?—No; I went down with two friends.

8546. Two personal friends?—Yes.

8547. Strangers to Lisburn?—No; one had been well known in Lisburn.

8548. Who is he; Mr. Calbeck?—Yes.

8549. By the *Committee.*] Was the other Mr. Crossley, Sir William's agent?—Yes.

8550. If mention has been made of persons unknown to the witnesses in your company, it would probably be one of those two gentlemen?—I think very likely.

8551. If the witnesses have stated that you came into their houses with some one that they knew, and some one that they did not know, do you think it likely that the unknown person would be one of those two persons?—No; it would not be; for Mr. Calbeck was well known; Mr. Crossley was not.

8552. Did Mr. Crossley canvass with you?—Yes.

8553. Mr. *Clerk.*] Had you letters of introduction with you to anybody?—No.

8554. By the *Committee.*] From whom did you receive your local knowledge, which was actually necessary for you to begin the proceedings in the election?—When I was introduced to these people, the principal people in the town, the first day, it was settled, I believe, among them that those who knew certain districts of the town well, one should take me one day to introduce me, and another another day, and that sort of thing, so as not to interfere with their business; they were all business men.

8555. Had you known Glenmore before you became a candidate for Lisburn?—I had not.

8556. Had you known him before the Tuesday morning, when you entered?—I had never seen him before.

8557. Did you know Lanbeg before?—No.

Re-examined by Mr. *Cooke.*

8558. My learned friend asked you whether you were aware that the June election account, returned by the agent, of expenses, exceeds the 100*l.* you paid to Mr. Waring; is that a matter which is to be settled hereafter between you and Mr. Waring?—Yes.

8559. By the *Committee.*] Were you not often informed during the February election that there was

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was bribing on the part of Barbour's party?—I heard it several times; it may have been said by one person or another that they must be resorting to bribery.

8560. Were you aware that the voters were up at Mr. Barbour's factory, at Hildon?—From report.

8561. Did you hear of their being there?—I saw a very active partisan on the other side, by the name of Henry Major, going on a car full gallop in the direction of Hildon one day with a voter, who had promised me his vote the day before; I forget the name of the voter now, though I recognised him at the time.

8562. Were any complaints made to you by the relations of any voters that their relations were taken off to Hildon to Mr. Barbour's factory?—I cannot say that I remember it.

8563. Were you informed that any persons likely to vote for you had been taken to this factory?—I was given to understand it.

8564. Were you informed that they were restrained there by force?—So I was told.

8565. Did you hear anything of an armed guard?—I do not know that I heard anything of an armed guard.

8566. You stated in reply to Mr. Cooke that you were much surprised at the petition being presented; may I ask why you were much surprised?—Because after the first election, somebody (I forget who) in the railway carriage, going back to Belfast, said to me and my friends, "I suppose you will petition." I said, "Oh no, I am not going to petition;" and they said the same, "Mr. Verner won't petition." I did not take any further interest about it, or say or do anything. I was living down in Wales. The first thing I heard of it was my father sending me down a paper that he received in the morning from the House of Commons, saying that a petition had been presented.

8567. I dare say that will enable you to answer a question that I should like to put. Were you, during the election, cognisant of any understanding that there should be no petition on either side?—No.

8568. Were you frequently in this great room at the Hertford Arms?—Yes, very often.

8569. At all periods of the day?—No; it was generally in the morning; I arranged what district I was to take on my arrival, and in the evening I came in and rested myself; about half-an-hour was the average time, before going back to Belfast.

8570. Whom have you seen in that room besides these five professional gentlemen?—I have seen a great many. It seemed to me that people were continually coming in and out.

8571. Mr. Beatty, I suppose, was there?—Yes.

8572. Frequently?—I have seen him there frequently, coming in; then for days I have not seen him.

8573. Were there certain people who were there more frequently in your recollection than others?—I cannot recollect now that there were any more than others.

8574. Mr. Jefferson you have seen there?—Yes.

8575. Mr. Young?—Yes.

8576. Have you seen Mr. Bannister there?—Yes.

8577. Mr. Graham?—Yes.

8578. Mr. Thompson; did you ever see him there?—George Thompson, the shoemaker?

8579. Who lives opposite Bannister?—Yes; I saw nearly the whole constituency in the room at times. When I first arrived there they came to make my acquaintance.

8580. Did you ever see any one prevented going into that room?—No.

8581. Did these legal gentlemen sit in the large room, or in the smaller room beyond it?—When I was there, I think, in the large room; but I cannot say. I have seen them altogether there. I have seen perhaps two or three out of the five.

8582. Where did you go if you wished to have any conversation with Mr. Moore or Mr. Lucas Waring?—If I wanted to have private conversation I generally went into a bedroom across the landing.

8583 Did people go in and out of the small room?—I do not know; I believe they did.

8584. Were you ever asked by any voter where your committee-room was?—I do not remember.

8585. If you had been asked such a question, what would have been your probable answer?—I think I should have said, at the Hertford Arms.

WILLIAM GEORGE BRADLEY was called in; and, having been sworn, was Examined by the Hon. *R. Bourke*, as follows:

W. G. Bradley.

8586. You reside in Dublin?—Yes.

8587. Do you know Dr. Mayne?—Yes.

8588. Do you know his handwriting?—Yes; I have seen him write.

8589. Do you believe that to be his handwriting? (*handing a document to the Witness*)—I believe that to be Dr. Mayne's handwriting.

8590. He is a physician in large practice, in Dublin?—He is.

8591. In fact, one of the leading men in the city?—He now is. I am sorry to say a great number of the leading men have been taken away from us.

8592. Do you know Mr. Moore, the gentleman we have been speaking of?—Yes, very well.

8593. Do you know anything about his state of health?—I have been informed that he has been in a very serious state of illness for a long time.

8594. Do you know his place of business?—Yes; I think he is in partnership with Mr. Abbot.

8595. Have you seen him out for any length of time, pursuing his business?—He is an eminent solicitor; I have not seen him for a long time. It is very well known that he is in a bad state of health.—(*The following document was delivered in and read*:)

"Dublin, 11 March 1864.

"Mr. James Hamilton Moore, of Leinster-square, Rathmines, has been for the last three months under my professional care. His illness is of such a nature that he has been confined to his room, and is utterly unable to travel to London, or even to leave his house.

"*Robert Mayne*, M. B."

JOHN M'NEILLY was called in; and, having been sworn, was Examined by The Honourable *R. Bourke*, as follows:

J. M'Neilly.
19 March 1864.

8596. Do you keep a public-house and posting establishment at Belfast?—Yes.

8597. By the *Committee.*] Where?—Montgomery-street.

8598. Mr. *Bourke.*] Do you recollect any men being brought to your house in the month of February?—I do.

8599. Do you recollect the time at all?—I could not. If you had not mentioned February, I could not swear to the month, but as you have mentioned February, I think it was about that month; I cannot tell what time in the month.

8600. Did Ingram come with them?—He did not.

8601. Did anybody come with them?—None.

8602. How long did they stay in your house?—I would not swear whether it was eight or nine nights; either eight or nine.

8603. By the *Committee.*] How many men were there?—Six.

8604. Mr. *Bourke.*] During their stay in your house, had they free access to all parts of the house?—All parts that they wished to go to; they did not wish to go to many parts.

8605. Did they ever wish to get out, and were they prevented getting out?—They were not.

8606. Could they have got out if they wished?—Yes, generally in the day time; there was nothing but Missus there to hinder them; my wife.

8607. The door was open?—Yes.

8608. Did any of their friends see them?—Yes.

8609. Mr. *Clerk.*] Was the hall door open?—Yes, the shop door and the back door too.

8610. Mr. *Bourke.*] Did their friends see them?—There were two gentlemen called one night to see them, that is, they called to see them while they were with me.

8611. Those two gentlemen saw their friends?—Yes.

8612. By the *Committee.*] Do you know who those two gentlemen were?—One was Mr. William Johnson, a merchant of Belfast, and the other a young man I did not know.

8613. Mr. *Bourke.*] During their stay in your house, were any of them ever drunk?—Not one.

8614. Did you charge for their board and lodging while they were in your house?—I did.

8615. Do you recollect what you charged?—I was thinking over what the charge was; 1 *s.* for their bed, 1 *s.* for breakfast, 1 *s.* 6 *d.* for dinner, and 1 *s.* for tea.

8616. Were those the usual charges you make at your establishment?—That is the usual charge I make. I am not in the habit of keeping many lodgers. I have three spare beds. It is not often I have lodgers.

8617. By the *Committee.*] I understand you to say you were not in the habit of having many lodgers?—I have not a regular hotel for people stopping. I have beds for friends or for parties that come sometimes; for instance, at the assizes I have the police stopping with me, and such as they. I do not pretend to have an hotel.

8618. Mr. *Bourke.*] Do you know a man named George Ingram?—I do.

8619. Did you see him at your house while these men were in it?—He was not there.

8620. Who paid you for the board and lodging of these men?—I was paid in Mr. Johnson's office.

8621. Mr. William John Johnson?—Yes.

8622. And your account was a reasonable and ordinary account?—I was making up the total it would come to. It was something near 15 *l.*

8623. The charges were reasonable, ordinary charges?—Ordinary charges; what I always charge.

Cross-examined by Mr. *Clerk.*

8624. How did these men come to you?—George Ingram came the day before, and asked me if I had any beds; if I was in the habit of taking parties. I said I had three spare beds.

8625. And these men occupied the three beds?—Yes.

8626. You said you were paid at Mr. Johnson's office?—Yes.

8627. Is he a town councillor of Belfast?—Yes, he was, and I think he is yet.

8628. You did not say who paid you?—Mr. Johnson. I was one day, I suppose a couple of months after the election, passing by. I was short of money. I was going, I think, to purchase something, and I called in and got a loan of 8 *l.* I called again a month after that, and I was paid in his office, I think by himself. I would not swear; I think it was by himself.

8629. How came you to go to Mr. Johnson's as Mr. Ingram told you that the men were coming?—I had asked Mr. Ingram who would pay me.

8630. And he referred you to Mr. Johnson?—Yes.

8631. A town councillor of Belfast?—Yes; Mr. Ingram was with me when I was paid the last time.

8632. Did you not put this down anywhere?—Yes, it was put down on a slip of paper lying on the counter, or kept in my desk; Missus put down everything as she gave it.

8633. Did she not put it in a book?—She only put down the drink, not the eating, because there was so much charged for meals.

8634. You have said 1 *s.* for the bed, 1 *s.* for breakfast, 1 *s.* 6 *d.* for dinner, and 1 *s.* for tea; you have not mentioned the drink?—Fourpence a-glass for whiskey, and 3 *d.* a-glass for porter; those were the only things they got; that is the usual charge.

8635. "Missus" put that down?—Yes.

8636. In a book?—No, on a slip of paper; I never saw it afterwards.

8637. When people come in to get breakfast, or ale, or whiskey, do you not usually put it down in a book?—No; I do not keep books in that way; I keep books in the posting trade, but not in the public house trade.

8638. If anybody stayed a week, or fortnight, did you not put it down in a book?—It might be put down on a billhead, and torn up or destroyed after it was paid.

8639. Before you went to Mr. Johnson's, had you sent in an account to anybody?—No.

8640. You sent in no account to Mr. Johnson before you went?—No; I sent no account, that I recollect, to Mr. Johnson; I think I gave him a receipt

a receipt for the money; whether I had an account, or statement of it, I could not swear; I think I gave him a receipt for the money.

8641. By the *Committee.*] How much was the money you received from Mr. Johnson?—For the keep, as far as I can recollect, somewhere between 16 *l.* or 17 *l.*; there was car hire; it was my car that brought them to the house.

8642. From where?—From the Vine Hotel.

8643. How much did you charge for that?—Two shillings and sixpence I think.

8644. £16 or £17 the keep?—Yes; for car hire, keeping, and all.

8645. Two shillings and sixpence for fetching them to the house; was there any charge when they went away from your house?—It was my car that took them to Watson's; to the Ulster Railway.

8646. How much would that be?—I do not remember; not more than 1 *s.* 6 *d.*, or 2 *s.*; it was a short distance.

8647. If we say 5 *s.* for car hire, that is about as much as it would be?—The cars went to other places, and brought them from other places to the hotel the same morning.

8648. You have told us that for these men, the charge for keeping was 16 *l.* or 17 *l.*?—For keeping, car hire, and all; the keeping did not amount, I think, to 15 *l.*

8649. You have said you first were paid 8 *l.*?—I got a loan of 8 *l.* then; I had the balance.

8650. How much was the balance; how much was paid by Mr. Johnson afterwards?—That 8 *l.* would be accounted for in what I had afterwards.

8651. How much?—£8 or 9 *l.* I think I got afterwards, I could not tell.

8652. How many days?—I think nine days.

8653. Mr. *Clerk.*] Did you give no particulars of your charges either to Ingram or anybody else before you were paid?—No, I did not give particulars. As far as I recollect, I stated to Mr. Johnson so much a day for so many men, so many days at so much.

8654. He paid you at once?—Not at once.

8655. Eight pounds first and 9 *l.* afterwards?—I had not furnished my account at the time I had the 8 *l.*

8656. You furnished it afterwards?—I had furnished an account, so many men at so much per day, so many days.

8657. Then he paid the 9 *l.* balance?—Yes; 8 *l.* or 9 *l.* I think the drink did not come to more than 2 *l.* or 2 *l.* 10 *s.* There was the car hire, 2 *l.*, or something like that.

8658. You keep books for posting?—Yes.

8659. Have you brought those with you?—No.

8660. Why not; did you not get a warrant?—They have no regard to the Lisburn election.

8661. Were they not taking Lisburn voters from one house to the other?—I did not put that in my book.

8662. Why not?—It was on a slip of paper kept separate.

8663. You keep posting books in general, but you did not put this into your posting book?—I never thought of it; it was put along with the drink. It was made up in a regular sum, so many men, so many days, for board; and whatever drink and car hire there was, was put on a slip of paper.

8664. You told us a little while ago that you put down all the posting affairs in the book?—Not all in the book. I tell you I keep books for people that run accounts in posting; I keep books for them, but any car hire I did for these men was put down on a slip of paper along with the drink. It was not put in the book at all.

Re-examined by Mr. *Cooke.*

8665. I suppose cars are frequently had from you without being put down in a book?—Often; and sometimes, if gentlemen do not run an account, I put it into my head and not in the book at all.

8666. What do you say was about the expense you charged for car hire?—I could not say.

8667. About?—It must have been between 30 *s.* and 2 *l.*

8668. How do you make that out; you told us before that the cars went a short distance, one was 2 *s.* and another 2 *s.* 6 *d.*?—I had to remove the voters from the Vine Hotel. It was stated that the Barbours had spies there, and that they were taking them out and sending them in drink. They were changed from one place to another to take them away from Barbour's spies. Cars were employed to change them from lodging to lodging when they were annoyed.

8669. How many days were your cars employed in removing the voters?—I could not state, on several occasions; on the morning of election there were cars engaged removing them from the Vine Hotel and from Weir's.

8670. By the *Committee.*] You did all the work for Mr. Verner then, in Belfast?—I do not say I had it all.

8671. You had your fair share of it?—I think I took the greater part of it.

[Adjourned to Monday, at Eleven o'clock.

Lunæ, 21° *die Martii*, 1864.

HUGH E. ADAIR, Esq., in the Chair.

The names of the Members were called.—All present.

The Chairman enquired whether it was the intention of the Petitioners to proceed with the scrutiny which was asked for by the Petition.

Mr. *Clerk* replied that it was not the intention of the Petitioners in any event to ask the Committee to go into a scrutiny. A notice of the disqualification of the sitting Member had been served on the Electors at the Poll, and they were informed that in the event of the Committee deciding that gentleman to be disqualified, their votes for him would be thrown away; but since that time the Petitioner had been advised that, assuming such disqualification to be established by this Committee, it would not have a retro-active effect so as to nullify the votes given for him at the Election. The Agents for the Petitioners had therefore given notice to the other side that they did not intend to ask the Committee to go into a scrutiny.

Mr. *Cooke*, Q.C., stated that notice to that effect had some days ago been given by Mr. Phinn to the Counsel for the sitting Member.

Mr. Lucas Waring, called in, and having been sworn, was Examined by Mr. *Cooke*, as follows:—

Mr. *L. Waring.*
21 March 1864.

8672. You are, I believe, a solicitor, residing at Lisburn?—Yes.

8673. How long have you been in practice at Lisburn?—Twenty-five years.

8674. Did you act on the part of Mr. Verner at the election in February.—Yes.

8675. In conjunction with any other person?—With Mr. Moore.

8676. Where did Mr. Moore himself practice?—In Dublin.

8677. In the June election, did you conduct the election for Mr. Verner?—In conjunction with another gentleman.

8678. Now, tell me when you were first applied to to act for Mr. Verner at the February election?—The day after Mr. Verner came into Lisburn, late in the evening.

8679. *Chairman.*] Was that the first time you had been retained by Mr. Verner?—Yes.

8680. Mr. *Cooke.*] Explain to the Committee were you in Lisburn upon the Tuesday when Mr. Verner arrived?—I was not.

8681. Where were you?—In Dublin.

8682. When had you left Lisburn for Dublin?—Some day in the latter end of the week previous.

8683. When did you reach Lisburn after that visit to Dublin?—By the nine o'clock train at night, a quarter before nine.

8684. That is Wednesday evening?—Yes.

8685. Upon your arrival in Lisburn upon that Wednesday evening, tell the Committee, if you please, what passed that led to your consenting to act for Mr. Verner?—I heard that a message had been sent to my house, that they wished me down at the Hertford Arms, and I went down immediately.

8686. *Chairman.*] Who sent you the message?—I cannot say. It was left at my house by some one calling.

8687. I understood you, "they" wanted?—The gentlemen at the Hertford Arms.

8688. Mr. *Cooke.*] With whom was that message left; your servant?—I think so.

8689. Upon your reaching home from Dublin that night?—Yes.

8690. Upon going to the Hertford Arms, did you there find Mr. Moore, or had he not arrived?—I found Mr. Moore.

8691. Was Mr. Verner there at that time?—I cannot say that he was there; I think I had not seen him that night.

8692. Did any conversation then pass between Mr. Moore and yourself about the election?—Yes.

8693. What was it?—Mr. Moore said that Mr. Verner wished me to conduct. I said that I would prefer his conducting, and I would act in concert with him, as being a local person.

8694. In what part of the house was that conversation with Mr. Moore?—It was in his bedroom. He went out of the large room, where there were a number of gentlemen.

8695. And had this conversation in the bedroom?—Yes.

8696. Did you, at the election in February, after that, act in conjunction with Mr. Moore in conducting the election?—Yes.

8697. Was there any fund, to your knowledge, of which Mr. David Beatty was treasurer?—No.

8698. Was there any duty assigned to Mr. Beatty for the purposes of conducting?—Not any.

8699. Was he employed as an agent for any purposes at the election?—No.

8700. We have had a bill put in of Johnson's, the printer, which he tells us you paid; and upon it there is the handwriting of Mr. David Beatty, saying that it is all right, or words to that effect. Explain the meaning of that?—I do not recollect it. (*The account was then shown to the Witness*).

8701. Do you see some pencil writing there, which is said to be Mr. Beatty's?—I do.

8702. What is the amount?—2*l.* 12*s.* 6*d.*

8703. Have you any recollection of that bill, with that memorandum upon it?—No; I never recollect seeing it on it.

8704. Have

8704. Have you any recollection of that account with reference to Mr. David Beatty in any way?—No, not with reference to Mr. David Beatty in any way. I remember that Johnstone called for the purpose.

8705. Is there any doubt?—I did not pay it when he first called.

8706. Why not?—I said that I would make inquiry about it.

8707. Did you give the orders?—I did not.

8708. Do you remember if he referred to any person as the individual who had given the order?—I do not recollect if he did at that time or no.

8709. Have you any recollection connected with that account; how you came to pay it afterwards?—I must have inquired of Mr. Moore, and found it all right.

8710. But have you any recollection as to first declining to pay, and afterwards paying it; is that so? Did you pay it afterwards; I think there is another bill receipted afterwards?—This is not receipted.

8711. Is that for the same amount (*producing and handing to the Witness a receipted account*)?—It is.

8712. That appears to be paid?—That appears to be paid.

8713. Have you any recollection of paying that?—Whether I paid that with my own hands or not I cannot say, but it was paid by me or some one in my office.

8714. Some one by your authority?—Some one by my authority.

8715. Will your memory assist you in ascertaining under what circumstances you authorised it to be paid, having in the first instance disputed your liability to do so?—I did not dispute it; but when they called I said that I would inquire about it, as I generally did about all accounts, and did not pay them the first time of calling.

8716. When it was first brought to your notice, did you recognise it as the demand you had authorised?—I never authorised it.

8717. We have heard the name of Redmond Jefferson; was he employed in any way as an agent during the election?—No.

8718. Was a man named John Herman employed for any purposes of the election?—No.

8719. Samuel Young?—No.

8720. William Graham, the brewer?—No.

8721. Moses Bullick?—No.

8722. George Thompson?—No.

8723. Edward Johnstone?—No.

8724. Where did Mr. Moore usually sit during the canvass, and up to the election?—In the large room at the Hertford Arms.

8725. *Chairman.*] Who were in that room; did any person sit in the room in addition to Mr. Moore?—Mr. Verner, who came out and in.

8726. Mr. *Cooke.*] To your knowledge, was any respectable supporter of the party refused admission?—No; it was always open.

8727. Do you remember any person being refused admittance?—No; I never saw any person refused in my presence.

8728. *Chairman.*] You were not much in that room yourself, were you?—No.

8729. Mr. *Cooke.*] Were you more in your own house, or in the Hertford Arms, during the election?—I was very much back and forward from my own house to the Hertford Arms. Mr. Moore has stayed more constantly in the room, and I did in and out sometimes. Sometimes I went to Belfast to transact any business which we had to do there.

8730. Who do you mean by "we"?—Mr. Moore and myself.

8731. Do you mean that you went individually as Mr. Lucas Waring, or did you go to Belfast upon Mr. Verner's business?—Sometimes I went at Mr. Moore's request, perhaps to order some books, or printing, or anything of that kind; and I frequently went upon my own account.

8732. By the *Committee.*] Upon your own account; do you mean upon your own private business?—Yes.

8733. Mr. *Cooke.*] Your answer was "we"; what was the business "we" had to do at Belfast?—What it was I have said; going to order the things at the printer's, or purchasing any little thing that was wanted; but that was all.

8734. What articles can you remember that you went to purchase?—Books; and sometimes I went to the newspaper office.

8735. For what?—"The Teleg" —— the "News-letter" office.

8736. For what purpose?—I could not say.

8737. The "Telegraph" is a Belfast newspaper?—Yes.

8738. And then you said the "Newsletter"?—I intended to say the "Newsletter," and not the "Telegraph."

8739. Did you insert advertisements in any of the Belfast newspapers?—I did not.

8740. For what purpose did you go when you went to the office of the Belfast—— you said the "Newsletter" office?—I do not recollect having ever ordered myself any advertisement.

8741. I only want to know; you have mentioned that you went to Belfast to the "Newsletter" office; as you told the honourable gentleman, the "Telegraph" office, I want to know upon what business you went?—The "Newsletter" office, I said.

8742. For what purpose?—I cannot recollect any particular purpose now that I went for.

8743. Now, did you yourself sanction any payment of money to any voter for his vote to Mr. Verner?—No.

8744. Did you know of any payment of money to any voter to induce him to vote for Mr. Verner?—No.

8745. Or for having voted for Mr. Verner?—No.

8746. Did you yourself sanction the offer of any money to any voter to induce him to vote for Mr. Verner?—Never.

8747. And did you yourself know of any offer of money to any voter for his vote?—Never.

8748. For having voted for Mr. Verner?—Never.

8749. Did you undertake any payment of bills on the part of Mr. Verner?—Those mentioned to the agent for election expenses. I undertook the payment of those for Mr. Verner.

8750. What money have you received from Mr. Verner on account of the February election?—100*l.*

8751. How much for the June election?—100*l.*

8752. Did you pay them yourself in June?—I paid some of them; and assisted Mr. Verner in paying the others.

Chairman.] And as Mr. Irwin entirely in February deputed Mr. Waring to act for him, he partially did so in June; and in June he signed the return, which he did not do in the month of February.

Mr. *Cooke.*] That is what has now transpired exactly.

Mr. *L. Waring.*

21 March 1864.

Cross-examined by Mr. *Clerk.*

8753. Had you ever undertaken the duties of an agent at an election before?—Yes.

8754. And were no novice in the matter. Had you ever taken the trouble to look at the Act of Parliament now governing the management of elections?—I had.

8755. And, doubtless, you are aware, Mr. Waring, that the gentleman appointed under the Statute as agent for election expenses, signs a declaration that he will pay all the bills himself, and return all the moneys he possesses to the election auditor?—Yes.

8756. "That he will never make, authorise, or sanction any payments for the election otherwise than through the election auditor." I do not know that the Statute provides how he is to make his return; but all his accounts he must return to the election officer?—I am aware of that.

8757. We understand, from Mr. Irwin, that when you asked him to act as the local agent, it was done upon the understanding that you were to undertake the management of all payments?—No.

8758. That is a mistake upon Mr. Irwin's part?—Not at that time.

8759. In February, did Mr. Irwin do anything whatever in the payment of expenses?—I think that he did not pay any of them.

8760. Was that by arrangement with you?—It was by an arrangement with me partly before the payment at the time they were ready for payment; but not an arrangement at the time he was appointed.

8761. You say that you were absent from Lisburn at the time Mr. Verner arrived? Had you gone to Dublin at the end of the previous week, upon business connected with the Lisburn election?—No.

8762. Were you aware when you left Lisburn at the end of the preceding week, that Mr. Verner or a gentleman was to be brought forward in the Conservative interest?—I was not.

8763. Then you only knew of it, you say, when you returned to Lisburn on the Wednesday?—I heard it in Dublin upon the morning of the day before that; otherwise than that, I did not know it till the night that I went to the Hertford Arms.

8764. Did you see Mr. Verner in Dublin?—No.

8765. When had Mr. Moore, as far as you know, arrived in Lisburn at the February election?—I was told that on Monday he was there before me.

8766. He was not there when you went away?—Not that I was aware of.

8767. Do you mean to tell this Committee that when you were in Dublin, the week before Mr. Verner commenced his canvass, you saw nobody in Dublin with reference to the Lisburn election?—I did not.

8768. You swear that?—I do.

8769. That you had no communication with any person with reference to the coming contest at Lisburn?—Not any.

8770. Either by writing or by word of mouth?—By writing or word of mouth that I can recollect.

8771. You mean that you have no recollection?—No.

8772. And was it a matter of surprise to you to hear of a candidate being brought forward?—It was at first a surprise.

8773. Had you been acting at all upon behalf of Sir Thomas Bateson, when canvassing for the borough in January?—Oh, yes, I went about the first day he came to canvass, and he was in my house.

8774. Had you been retained on his behalf?—Yes, but not as conducting agent.

8775. I do not say as conducting agent, but whether you had been acting for him—whether you were retained on his behalf as solicitor?—I was spoken to by Mr. Stephenson. Yes, I was, now, I recollect.

8776. You had been retained as solicitor?—Yes.

8777. And no doubt your services were not continued very long. In about a week, no doubt, you were paid?—I was.

8778. Had Mr. Bateson at that time property of his own in the neighbourhood of Lisburn?—Oh, yes.

8779. And his father had then what he now possesses—a considerable estate upon the other side of Lisburn; so that he had property upon both sides of Lisburn?—Yes.

8780. Can you tell the Committee exactly how long it was after Mr. Bateson was a candidate at Lisburn?—I think, as well as I can recollect, a week.

8781. Did he make an extensive canvass with you?—I was not much out with him.

8782. But you have told us, somewhat reluctantly, that you were his agent. Did he make a pretty general canvass?—Yes.

8783. Had Mr. Verner been introduced to Mr. Moore before your arrival, do you know, or were you present when he was first introduced to Mr. Moore?—No.

8784. Had Mr. Moore ever had any share in the conduct of Lisburn election prior to this?—No.

8785. When did you first make your acquaintance with Mr. Moore?—The evening at the Hertford Arms.

8786. That was your first introduction?—That was my first introduction.

8787. And you had never seen him anywhere before?—I have seen him as a professional man in Dublin.

8788. But not with reference to the election?—No.

8789. You are sure of that?—I am sure of that; quite certain.

8790. Before we go further as to this, did you receive any instructions from Mr. Moore at any time as to the mode in which the voters were to be dealt with?—No.

8791. Just think, because I see your memory is not very good. I do not want to hurry you before you answer. Did you not receive instructions from Mr. Moore as to the mode in which the voters at Lisburn were to be dealt with. Now, pause?—How do you mean "dealt with?"

8792. What they were to receive; how they were to be dealt with in the way of corruption, to speak plainly?—Never.

8793. You never received any instructions from Mr. Moore at all as to how the voters were to be influenced?—Never.

8794. Now, you have mentioned that when you got to the Hertford Arms, or when you got home, you were told that a gentleman wished to see you; was that the expression used?—As well as I can recollect, it is what the servant said.

8795. But

8795. But "gentlemen;" are you afraid of the word committee?—Not in the least.

8796. Might it have been the committee at the Hertford Arms?—I am certain that it was not.

8797. The gentlemen wished to see you. Whom did you find at the Hertford Arms; was Mr. David Beatty there?—Well, I think he was. The room was full of gentlemen.

8798. And no doubt Mr. Redmond Jefferson, the gentleman who seconded Mr. Verner at that election, was there?—I daresay.

8799. Have you any doubt?—I cannot say at all.

8800. But there were a number of people at the Hertford Arms?—It was near 10 o'clock.

8801. Did you act professionally for Mr. Verner at the last election?—Yes.

8802. At the usual charges of a professional man?—Along with Mr. Moore.

8803. You did the same, I think, at the June election?—I am not certain. I am answering as to the June election.

8804. At the February election, did you act professionally for Mr. Verner?—Yes.

8805. Upon the same terms?—Mr. Moore was returned in the auditors' account as conducting.

8806. Did you act professionally for Mr. Verner at the February election?—Yes.

8807. And at the ordinary professional rate of remuneration?—I did.

8808. You see in the June account you are returned at a charge of 92*l.* 6*s.* 1*d.* (I do not know what coinage that may be) as your charges as agent?—Yes.

8809. That was in June?—That was in June.

8810. Have you made the same charges in February?—No.

8811. Will you tell the Committee why not?—Mr. Moore was returned in the auditor's account as the conducting agent in February, and I was returned in the account in June as the conducting agent.

8812. Yes, but you have told the Committee that you were acting for Mr. Verner at the February election in conjunction with Mr. Moore upon the ordinary professional charges. You have been engaged in elections before; what are your ordinary professional charges for a fortnight's canvass and conducting an election of a candidate in conjunction with another gentleman?—The legal fees are 92*l.* 6*s.* 2*d.* for the conducting agent, and six guineas for other agents.

8813. Do you mean to tell this Committee that you, being the local solicitor at Lisburn, the whole of your professional charges amount to six guineas only for the February election?—Yes.

8814. You have made no other charge?—I have made no other charge.

8815. How was it that you charged 92*l.* 6*s.* for the June election?—Because I was put down in tha account as conducting agent.

8816. But the same two persons are put up on both occasions. Why are you put down at 92*l.* odd on the one, and six guineas on the other?—I was only a common agent in February, and conducting agent in June.

8817. But you have told the Committee that you were acting as agent conjointly with Mr. Moore at both elections. Why, having charged in June 92*l.*, are you put down for six guineas in the February election?—They are the legal charges, and I conceived that no other could be put into the election agent's account.

8818. You conceived that no other could be put into the election agent's account, but you have told the Committee that you are acting upon the ordinary professional charges, and has this 92*l.* odd been paid to you?—No, not for the February election.

8819. Do you mean to tell the Committee that when you engaged to give your services for a fortnight as the local solicitor for Mr. Verner, you did it upon the consideration of remuneration of six guineas only?—I do.

8820. That you had received no more than other gentlemen who attended at the booths, like Robert Crawley, who was appointed inspector of booths, at six guineas?—Yes.

8821. And you gave your services for a fortnight for that remuneration?—I did; and glad to give them for nothing.

8822. But now in June you charged 92*l.* odd?—I answered that because my name was in the account as conducting agent.

8823. And Mr. Moore's name in the June account is not put in at all. How is that?—He was not in any booth or post at the election.

8824. But I thought that you told us that Mr. Moore and yourself acted in the same capacities upon the two elections. In the one account there is your name, and in the other Mr. Moore's. Had Mr. Bateson anybody besides yourself assisting him at the canvass in January?—A great many gentlemen.

8825. Any professional gentleman?—Yes.

8826. Who was that?—Stephenson.

8827. Did you get any remuneration when canvassing for your services with Sir Thomas Bateson?—None for canvassing. I was enclosed a retaining fee by Mr. Stephenson.

8828. How much?—I think 10*l.*

8829. 10*l.* received for the week's work on the part of Mr. Bateson as retaining fee?—As retaining fee.

8830. Anything more?—No.

8831. That was all you received?—That was all that I received.

8832. Now, the accounts we have from Mr. Verner are still unsettled with you?—They are.

8833. How was it that you did not send in all the accounts to the election auditor within the time prescribed by the statute, two months before the election?—I had not got them.

8834. Had you not received this account of Johnstone, the printer of Lisburn?—I did.

8835. Then was Mr. Beatty's name inconvenient. Why did you not pay the account afterwards and insert it in the June bill?—2*l.* 2*s.* 6*d.*, I think (*examining account which was produced to Witness.*).

8836. *Chairman.*] Is that the same account as the bill in which Mr. Beatty's name appears. This is for Johnson in June?—I find an item.

Mr. *Clerk.*] Johnson, 2*l.* 2*s.* 6*d.* Here it is.

8837. *Chairman.*] Will you answer that question, did you include that bill which appears to be for printing in February, in the June account?—Allow me to look (*account is shown to the Witness.*) I see it here, 2*l.* 2*s.* 6*d.*

8838. Mr. *Clerk.*] That is Johnson's bill, is it not?—That is Johnson's bill.

8839. For the February election?—It is not paid in that; that is the wrong side of the account you are looking at.

8840. Look on the other side where you enter it as a claimer, and on the other side you pay it *per contra* to the credit; that is to balance the account?—Yes, yes.

8841.. Therefore

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8841. Therefore, it appears on the other side in a lump?—Yes; therefore, it appears on the other side in a lump, and balances.

8842. Was that, in your opinion, a compliance with the Act of Parliament?—Which.

8843. The Act of Parliament which requires you to furnish to the election auditor all the bills within two months after the end of the election; that is all the bills regarding that election within two months after the polling day?—I furnished all I had got.

8844. Answer my question, is that a compliance with the Act of Parliament, or not?—It is.

8845. And to put down in the June election, expenses incurred in the February election?—I cannot understand that. Show me the other account.

8846. I will show you the February account where you have put down, Johnson, 9*s.* 6*d.* for printing, which we hear from Johnson was never sent in.

Mr. *Cooke.*] Johnson never said that.

Chairman.] He was asked distinctly whether he had made a claim, and he said "No."

Mr. *Cooke.*] Johnson has gone, and it is too late to go into that now.

Witness.] I got an account from him for 9*s.* 6*d.*

8847. Mr. *Clerk.*] I must ask for the February account. I see this is your handiwork and not Mr. Verner's, and, therefore, I can ask an explanation, and I find, "By paid, Mr. Verner's expenses, (Committee,) and printing, &c., as on the other side, 31 *l.* 18 *s.* 7 *d.*" Can you give an explanation of that entry. It is your own account?—Yes, putting in newspapers, and other things there.

8848. Expenses of printing on behalf of the Committee?—No, not on behalf of the Committee, but the agents.

8849. Will you read the entry. It is your own account?—Mr. Verners expenses (Committee), the printing is in parentheses.

8850. Mr. *Cooke.*] Is that your writing?—It is the writing of a clerk.

8851. In your office?—Yes.

8852. Mr. *Clerk.*] Is that Mr. Irwin's signature (and there I think things were getting a little uncomfortable), where "the Committee" is struck out, which had been inserted in your clerk's writing and scored out by some body; who did that?—I do not know.

8853. The document is written in your office, is it not?—It is.

8854. Do you know Alexander M'Cann?—I do.

8855. Were you engaged in London on the question of the withdrawal of the petition against Mr. Barbour with Mr. Moore?—No.

8856. You were not in town at all?—No.

8857. Your office is near Dean Stannus's?—My house is next door to Lord Hertford's, which is between my house and Dean Stannus's.

8858. Do you remember Mr. Verner calling on you at your house with Glenmore Richardson?—I do not remember he particularly called with Glenmore Richardson, but I remember him calling frequently during the election.

8959. On the first occasion, where did you first meet Mr. Verner, or where were you introduced to him?—I think at the Hertford Arms.

8860. Have you no recollection of his calling at your house in a carriage and getting out there?—I do recollect it on one occasion.

8861. On that occasion, do you recollect Alexander M'Cann coming across the street from Barnett's. Is Barnett's just opposite?—Not exactly.

8862. But very near. Do you remember Alexander M'Cann coming into your office and being introduced to Mr. Verner?—I do not.

8863. Have you no recollection?—Certainly not, I have no recollection.

8864. Was he ever in your office; or perhaps I am wrong, it was in your house?—Do you mean my office or dwelling-house, the office is detached?

8865. Either the office or the house?—I do not.

8866. You have no recollection of his coming in when Mr. Verner was there?—I never did.

8867. Was there a person of the name of Thomson M'Cann employed at the room at the Hertford Arms?—I frequently saw him there.

8868. Was he employed as a clerk?—No.

8869. He did not do clerks' work?—He had assisted in writing and checking lists.

8870. Who else checked the lists besides Thomson M'Cann?—I do not know that any one ever checked them with me. The room was generally full of people in the evening. He did not ever check with me, I know.

8871. Was it a convenient room to do business in, this room that was full of people?—Indeed it was not.

8872. You stated that the accounts were still unsettled, and to a very considerable extent, I think, Mr. Waring?—Yes.

8873. There were a good many cars, I believe, employed at the election in February?—There were.

8874. Whose cars were principally employed in the bringing of voters and for the other purposes of the election?—A man of the name of Tumblety.

8875. You know they were employed at the time of the election?—I do not to my own knowledge, at the election.

8876. Did you see them going about the streets?—I did, frequently.

8877. Have you got Tumblety's account for the use of the cars?—No.

8878. Why not?—I never undertook to do anything with the cars.

8879. To whom was that matter deputed; or, perhaps, if you do not like the word, who had the charge of the cars if you took no part in them?—Mr. Moore.

8880. Mr. Moore ordered the cars?—I did not say he ordered them. I could not say.

8881. You put yourself in the position of local solicitor for Mr. Verner, and undertook the payment of the expenses on behalf of the agent for the election expenses. I ask you whether you have received any account from Tumblety for these cars?—Not any.

8882. Has any account been sent in to your knowledge to anybody from Tumblety?—Never so.

8883. Then you, being a local agent, did not think fit to ask Tumblety for it for the last twelvemonths?—I did not.

8884, And pray, will you tell the Committee why not?—I did not ask any person for his account.

8885. You were the agent of the Committee for

for Expenses, and you sent the return to the auditor. Why did you not ask Tumblety for his account?

Mr. *Cooke.*] It is not required that he should ask for accounts.

Mr. *Clerk.*] He held the double office of local solicitor and election agent. Has Tumblety any claim on Mr. Verner for the election expenses?

Mr. *Cooke.*] That must be made a matter of law; if there is no claim sent in within two months the claim is barred and the candidate is free.

Chairman.] That is so. There is no claim against the candidate if he chooses to repudiate.

8886. Mr. *Clerk.*] That is no claim that can be enforced in a court of law. He may have no legal claim, but has Tumblety any claim which you consider you ought to pay him before you settle accounts with Mr. Verner for the use of the cars?—I never heard him make any claim for the cars.

8887. Do you intend to dispute or repudiate Tumblety's claim for cars?—I do not.

8888. You do not know who it was that undertook to order the cars or gave directions about their use?—I do not.

8889. You did not do it?—No.

8890. Do you know previous to the election that a party of voters spent two or three days in Tumblety's house for protection?—I do not.

8891. You don't know any other supporters of Mr. Verner who went there for protection previous to the February election; you had not learnt at that time?—No.

8892. Did you learn afterwards?—I did not hear it.

8893. Has any claim been received from Tumblety for the care he was at for those voters?—I never heard it.

8894. Did you know previously to the 21st of February 1863 of voters also sent for protection to Stephenson's?—I did not.

8895. When did you first hear of that? I presume you heard of it?—I could not say, indeed, but it was after the election was over.

8896. Do you mean that you did not know that any voters had spent a night or two, or that you did not hear that any voters had spent a night or two at Stephenson's until after the February election was over; now just consider?—I cannot recollect having heard it. I knew nothing of these affairs at all.

8897. Was it not a matter of common conversation in the town?—I heard that voters were particularly in Stephenson's, but I do not know. I do not know Stephenson's house.

8898. But you had heard generally, that voters were at different houses for protection we call it?—I do not know previously to the February election; I mean previous to the 21st; I must have heard that.

8899. Were you here when Mr. Verner was examined on Saturday?—No.

8900. Have you seen the evidence given here on Saturday?—I read it.

8901. And also the evidence every day in the paper? The Belfast papers?—I have generally read them.

8902. Why; do you mean it was not discussed or talked about in the Hertford Arms while you were there?—About voters in Stephenson's?

8903. I will not say Stephenson's. In any house. In Stephenson's?—I answered before, but I do not recollect in Stephenson's particularly.

8904. But generally, that they were in houses in Lisburn?—I heard it spoken of.

8905. In the committee room?—There were no committee rooms.

8906. At the Hertford Arms then?—Casually.

8907. And did you also know that several of these voters had gone to Belfast for protection until the 21st of February?—I did not know.

8908. You did not know that any of the voters were at Belfast?—I did not know of my own knowledge as to what you mean.

8909. Do you mean that you did not send them there yourself?—Yes.

8910. Did you hear it discussed at the Hereford Arms, that the voters were housed at Belfast?—I did not.

8911. That they were at Belfast?—I did not hear at the Hertford Arms.

8912. Did you hear anywhere in Lisburn that there were voters, supporters of Mr. Verner, at Belfast?—I did.

8913. *Chairman.*] Previously to the 21st of February, you heard that voters were at Belfast; —voters in Mr. Verner's interest were at Belfast previously to the 21st of February?—Yes.

8914. At any previous election for Lisburn in which you have been engaged, have voters left Lisburn to go to Belfast, or any other place, previous to the election?—There were. I understood, generally, they went to places for protection. I remember two elections.

8915. By the *Committee.*] Do you mean two elections before the February election?—Yes.

8916. *Chairman.*] Who were the candidates on those occasions, and what were the years?—There was Mr. Jonathan Richardson's election.

8917. Which Jonathan Richardson?—Of Lanbeg.

8918. Was that in 1853 or in 1857?—1857, I think. Mr. Richardson of the Island, it is stated in evidence, sat from 1832 to 1837, but then retired in 1857, because Lanbeg was coming forward, and there were no reasons that led him to wish not to contest the borough.

8919. Who contested the borough with Lanbegg in 1857?—Mr. Hogg.

8920. On what political principles, as far as you know from any public address; I won't make you responsible for them?—We found it a very difficult thing to ascertain his principles.

8921. However, there was sufficient difference between the political principles of Lanbeg and Colonel Hogg to lead to an active canvass of the partisans on both sides. Was that so?—Yes.

8922. Did party spirit run very high?—It did.

8923. Was there rioting in the streets and racking of houses?—There was; I forget about the racking of houses.

8924. Breaking of windows?—There was a great deal of confusion in Inglis's election.

8925. We had better take the 1857 election first, and then come to 1852; how was that?—I think there was not much house racking in 1857.

8926. On which side did the voters leave Lisburn for protection in 1857; Lanbeg's voters, or Hogg's voters, or both?—I should say both.

8927. You should say both?—Very well.

8928. Where

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8928. Where did Lanbeg's voters go to?—I cannot say.

8929. Where you engaged for Lanbeg or for Hogg?—For Lanbeg.

8930. His voters left the town; some of them?—I do not recollect whether they left the town or not.

8931. Do you know whether any of Hogg's voters left the town for protection?—I do not.

8932. In the previous election of 1852, who were the candidates?—Mr. Inglis and Mr. Smith.

8933. Was there more rioting and danger to persons and property in 1852 than in 1857?—I should say so.

8934. Did the voters on either side in 1852 leave the town for protection?—I could not tell whether they left the town.

8935. Where you previously employed in that election for either candidate?—I was engaged in both.

8936. For whom were you engaged in 1852?—Inglis.

8937. But cannot you say whether you recollect that on other occasions voters left the town for protection; Lanbeg's voters in 1857, or Ingliss in 1852?—I heard they were locked up.

8938. My question is, did they leave the town?—I could not say that they left the town.

8939. Were they locked up in either election, or in both?—I heard so.

8940. Mr. Waring, would you be likely to know as Lanbeg's and Inglis's, agent, if any of their voters were locked up?—Certainly.

8941. Did any information come to you, as far as you can now recollect?—It was spoken of in the town. I do not recollect any particular information.

8942. Do you wish the Committee to understand that you a professional agent on these three occasions when these voters were locked up, were not informed of it, but only heard it as a matter of general report. You were professional agent for one of the parties?—I only heard they were locked up; never saw them.

8943. Was it told you by any person who knew you were the professional agent of one of the candidates?—I do not recollect who told it.

8944. By the *Committee.*] You say that in 1857, you did not know that voters left the town, but were locked up? Do you know where?—In 1857 I did not know where.

8945. *Chairman.*] But you stated they were locked up?—They were.

8946. You remember who you heard particularly?—I do not know; I only know of the public people speaking in public of it.

8947. By the *Committee.*] Mr. Richardson came in 1853; was that an unopposed election?—I know nothing about it.

8948. Mr. *Clerk.*] As the solicitor of Mr. Verner at the February election, did you not take any means to enquire what the cost might be to your party of having these voters somewhere at Belfast?—Never.

8949. That you never enquired about?—Never.

8950. You did not see the voters, I understand, going away to Belfast?—No.

8951. And did you see them there?—No.

8952. Did you see them return?—No, not from Belfast; they came up the morning of the poll. I saw them.

8953. In cars?—In cars, or by the train; but I do not remember which.

8954. Did you not see a number of them coming into the town of Lisburn on the morning of the election? Did a number of them go to Jacob Bannister's?—I cannot tell whether they did or not.

8955. Were you not yourself at the door of Bannister's on the morning of the election while the voters were inside?—I was, and I was in Bannister's.

8956. Did you not see the voters there?—Yes; I must have seen them.

8957. Was there not a breakfast and entertainment going on at Bannister's on the morning of the election day?—I did not see a breakfast.

8958. Did you see any provisions set out on any table at Bannister's?—I do not recollect seeing any.

8959. You do not recollect. Was there not eating and drinking at Bannister's on the 21st February?—Not when I was there.

8960. You saw no provision set out there?—Not that I can recollect.

8961. Do you really mean to tell this Committee you saw no refreshment or provisions set out at Bannister's on the day of election? Now do consider Mr. Waring? The agents were there for filling the tallies; there may have been.

8962. Was Bannister's used as a tally room during the election?—Voters were sent there and got their cards.

8963. Was Bannister's a tally room? It was called a tally room?—It was called a tally room. They got their cards to go and vote.

8964. You say the agents were there filling up tallies. You were in the room and saw that going on?—Yes.

8965. What is Bannister? Does he keep a whiskey shop?—An inn-keeper; a publichouse.

8966. And you had your tally room in this whiskey shop or publichouse. Had you received any account from Bannister's?—Not that I ever saw.

8967. Now, you were in this room yourself when the agents were filling the tallies for the voters in Bannister's?—Yes, I was.

8968. Do you tell this Committee that no account has been sent in from Bannister's for the use of his house on that day?—I never saw one, or heard of one.

8969. And you have never enquired for one?—Never.

8970. You, the conducting agent, along with Mr. Moore, have never enquired what the amount of that account is to be?—Never.

8971. You have told the committee the claims on Mr. Verner are still unsettled. Is that one of the unsettled bills?—No; I do not mean that.

8972. Who then is to pay for the use of the tally rooms?—I cannot tell.

8973. You received 100*l.* from Mr. Verner; is that 100*l.* to cover the whole of the expenses of the election?—I have paid it away; all that I could get, and a great deal more.

8974. You might have said "It is not." From whom did you get the other money that you paid away? You have sent an account of 192*l.*; where did you get the 92*l.*?—It was out of my own money.

8975. Do you mean that you consider yourself liable, and look to no one for the 96*l.*?—I do not.

8976. You look on it as a debt of yours, and not to anyone for payment?—I do not.

8977. I wish to get your answers, that the Committee may judge. You do not intend to pay Bannister?—I never got any account from him.

8978. You do not intend to pay Bannister then?—I do not intend to pay Bannister.

8979. Or Tumblety, for the use of his cars?—No.

8980. Or Stephenson?—No.

Chairman.] I did not understand that the witness was asked any question as to the debt of Stephenson's, but only Tumblety's and Bannister's.

Mr. *Clerk.*] It is my omission.

Chairman.] Therefore the witness has said nothing about a bill or claim of Stephenson.

Mr. *Cooke* asked the Chairman to call the witness's attention to the three preceding questions, and to request an explanation of what he meant in his answer, that he did not look to anyone for payment of the balance of 96 *l.*

Chairman.] He said he paid it himself, and looks to no one.

8981. Mr. *Clerk.*] Let there be no misapprehension. He has paid, according to the accounts, 92 *l.* odd beyond the 100 *l.* paid by Mr. Verner. Do you look to anyone for repayment of that money to you?—No.

8982. With regard to Stephenson; did you learn, subsequently to the election, that voters were at Stephenson's for three days, from a Saturday to the following Monday?—I answered before that I did not hear of Stephenson in particular; it is not on my recollection that I heard the name of Stephenson.

8983. You have had no account from Stephenson?—No.

8984. Have you ever had any claims from Belfast: have you ever had any claims: you said you had no account?—Not any.

8985. Have you ever had any account or claim from Mr. McIlwee of the "Vine," Belfast?—Never.

8986. Or from Mr. Redpath?—Never.

8987. Or Mr. Weir, of Belfast?—Never.

8988. Either for refreshment of voters, or hire of cars?—Never for anything.

8989. Now, you told the Committee a short time ago, in answer, I think, to a question of the Chairman, that you went to Belfast to transact business, and that it was to get books; do I understand you so?—Upon one occasion I went to get poll books.

8990. Do you always get them from Belfast?—Not in particular.

8991. In previous elections, did you get them from Belfast or Lisburn?—Belfast.

8992. Always?—In Richardson's election I got them from Belfast, and on this occasion I went to the same place, I think.

8993. *Chairman.*] Who did you get them from in Belfast?—Mr. Johnson.

8994. Who is he?—A printer.

8995. Not the same Johnson whose bill we have been discussing?—No.

8996. Have you paid him for them?—You will see it in your account.

8997. Do you know what the amount was for the polling books?—It is not mentioned, for polling books and printing as well.

Chairman.] That comes under the item, I suppose, of 32 *l.*

8998. Mr. *Clerk.*] That is put separately as a claim, and lumped as expenses to the Committee as per contra. Is the Belfast account for printing there?—You are confounding the Johnsons.

8999. The Johnson, of Belfast; is his name James Johnson, do you know?—I think it is.

9000. *Chairman.*] The only account I recollect as put with regard to Johnson was where there were two bills from the same man, the same account, and this is the Lisburn man who said he was no relation to Edward Johnson, whose name has also been mentioned in connection with this case.

Mr. *Cooke.*] He says Mr. James Johnson.

9001. Mr. *Clerk.*] James Johnson, 15 *s.* 6 *d.*, printing; does that include the cost of the poll book?—I could not say.

9002. But 15 *s.* 6 *d.* is the only item for Johnson, except Johnson, of Lisburn, who is put down 9 *s.* 6 *d.*; is that 9 *s.* 6 *d.* for the polling book?—I recollect seeing the 9 *s.* 6 *d.*, but do not know how it has gone astray.

9003. The item for printing to Johnson, of Belfast; does that include the poll book purchased at Belfast?—It does not, as I should suppose; but I could not say what there was in that.

9004. What is that you have in your pocket; anything with reference to the printing?—It is an old account of the printer's.

9005. But as to Johnson's 15 *s.* 6 *d.* I want the entry in that account of the poll book you say you purchased at Belfast?—Very probably I paid that in cash.

9006. Then where does it occur in that account?—Then it is not in it.

9007. By the *Committee.*] What is the cost of the poll book?—A few shillings; it is only a couple or three books.

9008. *Chairman.*] The Honourable Member for Hastings says that, upon the sum in the February account to the "Belfast Newsletter," there is an item to Johnson of 1 *l.* 2 *s.* 6 *d.*, printing. If that be so, can you give the Committee any explanation of that item?—

[The sum of 1 *l.* 2 *s.* 6 *d.*, S. Johnson, of Belfast, was pointed out to the witness by Mr. *Cooke.*]

It is a different Johnson from the others. It is S. Johnson.

9009. Were you likely to get any poll books from S. Johnson?—No, I think not.

9010. Mr. *Clerk.*] They are printers, and I think you stated that you paid for them in cash, and the entry is not in the account?—Very likely.

9011. Do you pay much in cash at the election you have not entered in the account?—I think not, very little.

9012. To what extent did you pay in cash sums you have not entered in the accounts?—I say I may have paid to the extent of one thing, and another a pound or so at different times. I did not particularise them, for I could not.

9013. You have stated to the Committee you went to Belfast at the request of Mr. Moore; did you ever see Mr. William John Johnson, Town Councillor?—I may have met him in the streets; but I do not recollect him particularly.

9014. Did

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9014. Did you never go to his office?—Never.

9015. Do you know a Mr. Preston, at Belfast?—I do not.

9016. Do you know Mr. Johnson, the Town Councillor?—I do know him now; but at the time of that election, or before that election, I did not know him at all.

9017. *Chairman.*] Had you ever spoken to Johnson before the February election?—Not to my knowledge.

9018. What is Mr. Johnson, by business?—He is a merchant, I believe; I do not know his particular business.

9019. Mr. *Clerk.*] But he is a Town Coun- of Belfast?—I believe so.

9020. Did you see him at the Hertford Arms prior to the election of February?—I did, on two or three occasions. It was the first place I saw him to know him.

9021. And then did you subsequently see him in Belfast, upon your visit there at the request of Mr. Moore?—No, I do not say that, but that I may have met him in the street, and he asked "How are you getting on with the election?"

9022. That was subsequently to your seeing him at the Hertford Arms; that was the first time you saw him?—Yes.

9023. You say you do not know Alderman Preston?—I did not know him.

9024. And never saw him at Belfast?—Not to know him.

9025. And do not know him by sight now?—No.

9026. Had you no conversations with Johnson, of Belfast, with reference to the voters who were then at Belfast?—Never.

9027. Do you know George Ingram?—I do.

9028. Did you ever see George Ingram, a Belfast man I mean, a publican at Belfast; did you ever see him at the Hertford Arms?—I may have seen him at the Hertford Arms.

9029. Have you any doubt?—At what time?

9030. Previous to the election of February?—Never to my knowledge. I was not acquainted with him.

9031. During the election fortnight, did you see him after Mr. Verner had come into the town; I say that, because by "the election" may be meant the nomination and consequent act of polling; but I ask, subsequently to Mr. Verner's coming into the town, and before the close of the poll, did you see Mr. George Ingram in Lisburn?—Not to my knowledge.

9032. You knew him at that time?—I did not know him, I said, previous to that; but the first acquaintance, before knowing him by sight, was being told his name some time when he was in Lisburn.

9033. But was that "sometime" the time between Mr. Verner's coming into the town and the close of the poll?—I think it was the time of the February election.

9034. He also was pointed out to you, and you were told that was George Ingram, was that so?—Persons called him by his name.

9035. Where was it, Mr. Waring, that you saw this person, Mr. George Ingram?—I could not say.

9036. Will you say it was not the Hertford Arms?—I will not.

9037. Have you the slightest doubt that you did see him at the Hertford Arms?—I have every doubt I saw him at the Hereford Arms at the time you are mentioning it.

9038. I ask you whether you saw the person who was called George Ingram, whom you now know, at the Hertford Arms?—I do not recollect.

9039. Have you any doubt that you saw that man, Ingram, at the Hertford Arms?—Before the election I do not think I saw him.

9040. But you have seen him since?—On the day of election.

9041. My question was this, did you ever see George Ingram in the Hertford Arms in your life, either before or after the election?—I answered that before, that I may have seen him there sometimes, but not before the election.

9042. Did you see him there on the day of the election?—After the election was over, I think I did.

9043. Can you say you did not see him there before the election was over?—No.

9044. You cannot say that?—I can say I did not, to my knowledge, see him before the election day.

9045. You had not, to your knowledge, seen him at the Hertford Arms on the election day before the election was over?—Not to my knowledge.

9046. How often did you see George Ingram in Lisburn before the election day in February; in Lisburn generally?—I have said I could not state; I do not recollect having seen him.

9047. You said, a little while ago, you had seen him in Lisburn, but not at the Hertford Arms; did you see him in Lisburn?—I said before I might have seen him in Lisburn, but I could not state the day.

9048. Did you see him after the election?—He was in the room; a great assemblage was there after the election was over.

9049. Did you see him any subsequent day to the election; did he come to you?—Never.

9050. Did you see him any where?—No.

9051. Have you never seen him in Lisburn since the election in February?—No, not to my knowledge.

9052. Have you seen him anywhere before you came up to London?—No.

9053. Then you tell this Committee you have never seen George Ingram since the day of the election, 21st February, until you saw him here in London?—I do not say that.

9054. Where have you seen him?—I have met him in the street in Belfast.

9055. Had you any conversation with him?—Nothing more than casual conversation; "How do you do?" and "How are you getting on in Lisburn?" and so forth.

9056. "How are you getting on in Lisburn?" Was no claim ever made upon you by Ingram for the expenses of the men at Belfast?—None whatever.

9057. Mr. Waring, did you deliver in to the auditor all the accounts that you had received?—All that I had paid; all that had come in to me, and that I had paid, I delivered to the auditor.

9058. You see that that is not an answer to my question; I asked you whether you had delivered to the auditor all the accounts that had come into your hands, paid or unpaid?—All except the three which I paid since; here they are.

9059. *Chairman.*] You delivered all the accounts that came to your hands except three, that is, to the election auditor, who was appointed for the February election; is that so?—Yes.

9060. Mr. *Clerk.*] Did you take away several vouchers from the auditor, telling him you would come back in a few days with them?—I did not take them away, but he asked me to take them back till I got the others.

9061. Did you ever come back to him with them?—I did not.

9062. Now, we heard there was considerable disturbance in the town at the election in Lisburn in February?—There was occasionally.

9063. Did you find it necessary to have watchmen on your side to protect your voters?—I have heard so.

9064. A considerable number?—I do not know the number.

9065. Seventy or eighty of a night?—I could not say.

9066. You took no part in that?—No.

9067. As the agent, did you never take the trouble to inquire the cost of the employment of the watchers?—Never.

9068. Did you know how many nights they were employed?—I do not.

9069. Tell me, do you know a person of the name of James Friars?—Yes.

9070. Where does he live, in Lisburn?—No.

9071. Where does he live?—In Lanbeg.

9072. *Chairman.*] What is he?—He is a carman or carrier of Mr. Richardson's.

9073. What they call Richardson's carter, is he?—Yes.

9074. Mr. *Clerk.*] And does he live at Lanbeg?—He does.

9075. How far is that from your house in Lisburn?—Where he lives is better than a mile and a half.

9076. Was he in your house for some time before the election in February?—He was not for some time; he was there one night.

9077. One night; just consider?—Yes.

9078. Was he not there a whole day?—He was not.

9079. What day did he come there?—I could not exactly say the day, for I never saw him before that day.

9080. When did you first see him there?—I cannot say the day or the night.

9081. Did you bring him there?—I did not.

9082. You have a wife residing in your house, I believe?—Yes.

9083. Do you mean you do not know how long Friar was in your house?—I do not say.

9084. You only knew him to be there that night?—One night.

9085. What night?—I cannot say exactly.

9086. Did he not remain in your house until the day of the election?—He did not.

9087. Where did he go from your house?—He went home.

9088. At Lanbeg?—He did.

9089. How long before the election?—It was several days before the election.

9090. Had he ever slept in your house before?—Never.

9091. How came he to sleep in your house on this occasion?—He was brought up out of where the opposite party, I was told, were going to waylay him to take him away, and he came up to my house for protection.

9092. He stayed, you say, one night?—One night. I would not let him out when he said that he was afraid they would carry him away.

9093. Who told you this?—He told me himself.

9094. He returned to his own house, and remained till the election?—No.

9095. Did he?—He did not.

9096. What became of him?—He left my house early in the morning, and went to work.

9097. He stayed till the election?—Till he was carried away by Barbour's men, I understood him.

9098. Where was he carried?—You will find it, I believe, upon the minutes of the last petition. He was one of the parties at Hildon.

9099. Do you say that he came down by himself to your house, or did Mrs. Waring go and fetch him?—She did not.

9100. Did this man Friars vote?—He did.

9101. For whom?—He voted for Mr. Verner in June.

9102. *Chairman.*] Did he vote in February?—He did.

9103. For whom?—Mr. Barbour.

9104. Mr. *Clerk.*] You told the Committee a little while ago, that when you went to Belfast you went there, amongst other things, to the telegraph, and then you checked yourself; what did you mean?—I intended to say the "Newsletter" office.

9105. Is there a newspaper called the "Telegraph" there?—Not that I know of.

9106. Then why did you say the "Telegraph?"—By mistake.

9107. And do you mean to say that when you said you went to the "Telegraph" you meant the "Newsletter" office?—I meant the "Newsletter" office. I had corrected myself before I said the word. I had part of the word "Tele—," and then I said the "Newsletter" office. I did not say "Telegraph" office.

9108. You did not say "Telegraph" office. You said that you went, amongst other purposes, for the "Telegraph." There is no newspaper in that part of the world called the "Telegraph?"—No.

9109. How came you to say "Telegraph," then?—A mistake.

9110. Did you go in to telegraph from Belfast?—Never.

9111. Did you go in to receive a telegram or telegraphic message?—Never.

9112. A mistake. What did you mean when you referred to the "Telegraph?"—I told you it was a mistake.

9113. What was in your mind when you said the "Telegraph?"—I told you the "Newsletter" was in my mind. The "Newsletter" office and the telegraph are both in the same street.

9114. When you went to the "Newsletter" office, you said it was the Telegraph. Is that what you mean?—I said that I went to the "Newsletter" office.

9115. Can you tell the Committee what is the amount of the unsettled accounts with Mr. Verner?—I cannot.

9116. *Chairman.*] Will you add together the two accounts, the February account and the June account, which have been furnished to the election auditor?—Yes.

9117. What is it?—£. 192 3*s.* 9*d.* was the February one.

9118. And the June?—£. 167.

9119. One hundred and sixty-seven pounds odd?—£. 167 odd.

9120. Is that so?—There were some shillings.

9121. One hundred and sixty-seven pounds odd?—£. 167 14*s.* 3*d.*

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9122. Then you have paid 359*l.* 18*s.*, and received 200*l.*, and there are still some outstanding accounts. Is that so?—I have not got any. I presume there are some outstanding.

9123. But, at all events, you have paid on account of claims that you have received 359*l.* 18*s.*, and received 200*l.*?—Yes.

9124. I think you may take my figures, £. 359 18*s.* is the amount of the two accounts?—Yes.

9125. For payments that you made for the two elections?—Yes.

9126. But for which you state that you have received two sums of 100*l.* each from Mr. Verner?—Yes.

9127. The candidate, upon both these elections, for whom you acted?—Yes.

9128. And you have received no further sum upon his account from any person?—No.

9129. And I understand that, as regards 92*l.* of that, that you do not look for payment to any other person?—I do.

9130. For 92*l.*?—For 92*l.*

9131. Exactly; and that you have received no claim from Tumblety, or from Bannister, or from Stephenson, or M'Ilwee, or Redpath, or McNeil, for the refreshment of voters or hire of cars?—Not any; not from anybody.

9132. And that you do not intend to pay Bannister and Tumblety if a claim is made?—No.

9133. Do you mean to pay any of those other persons if a claim be made?—No.

9134. Mr. *Clerk.*] You and Mr. Moore sat at the Hertford Arms?—Yes.

9135. Mr. Moore was there for more than a fortnight, was he not?—I think he was.

9136. The room there was a room, as we have heard, for the business of the election by Mr. Moore?—Yes.

9137. Have you paid anything on account for the use of that room?—Not a penny.

9138. Was that not an expenditure on behalf of Mr. Verner at the election; I mean the hire of that room at the Hertford Arms at the February election?—I cannot tell.

9139. *Chairman.*] Did you authorise anybody to pay anything?—No one.

9140. Mr. *Clerk.*] Have you received any subscriptions from anyone in aid of the expenses of the February election; Mr. Verner's expenses?—No.

9141. Has any subscription, though not collected, been entered into, to your knowledge?—None, that I know of.

9142. You have mentioned Bannister's as a room where the voters got their cards. What other rooms were employed for the purpose in Lisburn. Capt. Colson Ward's, I think, was one?—Yes.

9143. Capt. Colson Ward's, next door to Bannister's?—Yes.

9144. Capt. Ward's rooms and Bannister's were employed for the same purpose; and any others?—I do not know of any others.

9145. And has Capt. Ward been paid anything for the use of his room?—He has not.

9146. Was Sam Young's a tally-room also?—No, not that I know of.

9147. *Chairman.*] Was there a tally-room at the Hertford Arms?—I think not for getting tickets.

9148. For what purpose would there be?—It was Mr. Moore's room; and, just the same as any other day, upon the election day it was open for any person to go into.

9149. Is it your custom to mark off from the list upon the walls the voters who have voted in the tally-rooms?—Yes.

9150. That is the custom in Ireland?—After they have voted to strike them out of the printed list.

Re-examined by Mr. *Cooke.*

9151. Was there any gentleman from Dublin with Mr. Moore at the Hertford Arms?—There was.

9152. Was that Mr. Colbeck?—It was Mr. Colbeck.

9153. A friend of Mr. Moore's, who sat with him at the Hertford Arms?—Yes.

9154. Is he a Lisburn voter?—No, he is not.

Chairman.] All we know of him is that he knows Lisburn well, and therefore if Mr. Verner said he had been one of the gentlemen with him, he would probably not be described as an unknown person by any voter.

9155. Mr. *Cooke.*] In former years he lived in Lisburn. Then, he was a resident in Dublin, and came to Lisburn with Mr. Moore?—Yes.

9156. Was he with Mr. Moore?—He was generally with Mr. Moore and Mr. Verner.

Mr. *Clerk.*] Mr. Verner has told you that Mr. Colbeck was one of the gentlemen who came in the train with him.

Mr. *Cooke.*] True; he came with Mr. Moore.

Chairman.] Mr. Crossley seems to have been in more personal communication as Sir William's agent.

9157. Mr. *Cooke.*] Will you have the goodness to tell me this? (And apply your mind to what I am going to ask.) You have got three claims you have paid since the accounts were sent to the election auditor?—Yes.

9158. Have you got them?—Yes.

9159. Read them, and the amounts?—One is from Mr. R. D. Reed, of Belfast, for printing the address.

9160. Is that a newspaper?—Yes.

2161. What is the name of the newspaper?—The "Morning News."

9162. What is the next?—The "Irish Times."

9163. Is that for advertising?—For publishing the address.

9164. And how much is that?—£. 9.

9165. *Chairman.*] How much is the first?—£. 5 5*s.*

9166. Mr. *Cooke.*] The third?—The "Banner of Ulster," 9*l.* 6*s.*

9167. *Chairman.*] Twenty-three pounds eleven shillings; 9*l.* the "Irish Times;" and 9*l.* 6*s.* the "Banner of Ulster."

9168. Mr. *Cooke.*] Take any piece of paper, and write 23*l.* down. Write 192*l.* down; and now write 167*l.* down, and add those up. Well, deduct 200*l.* from that. Have you paid all the money that you have there, 382*l.* Is that money that you have paid for Mr. Verner on account of those two elections?—Yes.

9169. And is 200*l.* the money that you received from him?—Yes.

9170. How much is due to you, when you come to settle these accounts?—182*l.*, that will be.

9171. You

9171. You have paid 380 *l.*, and received 200 *l.*?—Yes.

9172. How much is due to you for payments that you have made for Mr. Verner, when you come to settle?—£. 182.

9173. Will you tell me why you have said to the Chairman, and my learned friends, that you would not look for 92 *l.*? I am told that the word, "looked," may have a different signification in Ireland from what it has in England?—I would be paid the 182 *l.*

9174. You were asked, not once, but several times (and I want you to listen to what I am going to say), with reference to the February election, for which you have paid the sum of 192 *l.* Do you understand me?—Yes.

9175. You say that you received 100 *l.* from Mr. Verner for that election, leaving a balance of 92 *l.*?—Yes.

9176. Is that 92 *l.* owing to you by anybody? You paid 192 *l.*, and received —— ?—Mr. Verner would owe it.

9177. Does he owe it to you?—He does.

9178. Are you aware that you said you did not mean to ask Mr. Verner for the money?—I did not mean that. I am putting it in the way I tell you.

9179. But are you aware that you have several times said that you did not look to anybody for the 92 *l.*?—I did not understand it so. I do not understand that.

9180. You had said, with reference to the February election, that there had been 192 *l.* expended, and only 100 *l.* received from Mr. Verner; and that, therefore, there were 92 *l.* which you had paid, beyond the 100 *l.* which you had received. Do you understand me?—I understand that, so far.

9181. The Witness has told me of a balance due to him by Mr. Verner. I ask you to reconcile that statement with what he said, that he should not apply to anybody for the 92 *l.*?—It was a balance due by Mr. Verner, advanced by me.

9182. By the *Committee.*] But the learned counsel asks you what you mean by saying that you look to no one for the payment of 92 *l.* What did you mean?—I understood it differently, that I would not look to him for anything of the February election, where I was only paid six guineas; that I would not look for more.

Mr. *Cooke.*] I understand it now.

Witness.] That is what I understand.

9183. Ninety-two pounds, you told us, was the fee of a conducting agent in Ireland?—Yes.

9184. How is that regulated, by custom, or by Act of Parliament?—By Act of Parliament.

9185. Which fixes the fee at 92 *l.* for the conducting agent?—Yes.

9186. And does the same statute fix the fee for the other agents?—Yes.

9187. At six guineas?—Yes.

9188. *Chairman.*] Were you the conducting agent at the February election?—No.

9189. Does not that sum, 192 *l.*, refer to agents in respect of the February election?—The 192 *l.* is the total amount, 92 *l.* of which is the statutable fee for the conducting agent.

9190. Mr. *Cooke.*] Now, Mr. Waring, with regard to the July election, what is the amount of money you have paid for the same election?—£. 167. 14 *s.*

9191. What money is due to you for the payments you have made for the last election?—167 *l.* 14 *s.* 3 *d.*

9192. You have had 100 *l.* upon account?—£. 100 on account.

9193. And how much is due to you?—£. 67 14 *s.* 3 *d.*

9194. Mr. *Cooke.*] Who is to pay you the 23 *l.* 11 *s.*?—Mr. Verner, I should think.

9195. Is that part of your claim upon Mr. Verner?—Yes.

9196. *Chairman.*] Then you consider that Mr. Verner owes you 182 *l.*?—Yes.

9197. Mr. *Cooke.*] Now, Mr. Waring, after the February election, was there a meeting of the party with reference to a petition against Mr. Barbour?—Yes.

9198. Did you subscribe to that petition?—I did.

9199. How much?—£. 40.

9200. Of your own money?—Of my own money.

9201. And was that petition conducted by subscriptions amongst the party?—It was.

9202. You have been asked about 9 *s.* 6*d.*; you have answered from Johnson of Lisburn. Had you any such claim sent in?—I had; I recollect it.

9203. Johnson says that it was not sent in?—There is such a confusion of Johnsons. Maybe that it was not his account.

Mr. *Cooke* stated that he would waive all questions with respect to the 9 *s.* 6 *d.*, the amount being so small.

9204. Mr. *Cooke.*] Mr. Waring, have any claims been sent in to you with reference to Tumblety's cars or refreshment at Bannister's?—No.

9205. Captain Ward, I believe, is a gentleman who has a private house?—Yes; his office.

9206. Do you expect any claim to be made by Captain Ward for any use of his house upon the day of the election?—None whatever.

9207. You have been asked about seeing Ingram. Did you ever see him for the purpose of settling any money payments with him?—Never.

9208. Had you any occasion, for the purpose of the February election, to send or communication by telegraph?—No.

9209. Have you a telegraph office at Lisburn?—Yes.

9210. At the railway station?—Belfast is the principal; but the telegraph at Lisburn is connected with the railway only.

9211. Can you telegraph from Lisburn station to any part of England, or to Dublin?—I think not. You can to Dublin, but not to England.

9212. Can you telegraph from Lisburn as well as from Belfast?—Yes.

9213. Do you know the Johnson whom we have been asking about. Mr. W. G Johnson. Do you know him to be a merchant of position in Belfast?—Yes.

9214. Whether he is a member of the Town Council or not, you do not know?—I do not know; but I have seen it in the papers.

9215. With regard to Bannister's: upon the day of the election, what room were you in at Bannister's?—I was out and in, and up and down, from the polling place several times.

9216. What room of Bannister's were you in and out of?—The drawing-room.

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9217. What was done in that room?—Filling up and giving out the voters' tickets.

6218. Did you sanction any supply of meat or drink to any person there?—Certainly not.

9219. Do you know of any person being authorised to do so?—No.

9220. By the *Committee.*] You stated that at the February election you were employed in concert with Mr. Moore at the election, and that he conducted, and you looked upon him as the conducting, and yourself as the local agent?—I did.

9221. What did you consider your duties as local agent?—To assist Mr. Moore in local matters. I was better acquainted with the town.

9222. What do you mean by local matters?—To describe and tell him of the parties, and situation of voters in the town, and to describe anything that he might require.

9223. Did you consider that it was your business to go through the list of voters, and give Mr. Moore information as to how you thought they would be likely to vote?—Yes.

9224. The number of voters at Lisburn is about, rather under 300 on the register?—More than 300 on the register.

9225. Were you aware, during the election, that it would be a very close contest?—Yes.

9226. Were you aware that some voters whom you expected to vote for Mr. Verner, were taken off to Barbour's?—Yes.

9227. You knew the names of those voters?—I heard them spoken of.

9228. In going over the list, and checking off the names of such as could not be depended upon, as taken by Barbour; that is, you went over the list very carefully with Mr. Moore?—I did.

9229. Did not you ascertain where the voters were that you expected would vote for you?—No; they were marked upon a list, according to a letter, who they voted for, "V." &c.

9230. Were you aware of the voters being confined, and kept at Hildon?—I was not.

9231. In going over the list you did not assume that such a voter, or another, was confined at Hildon?—No; confined at Hildon! Sometimes such a man could not be depended upon, because he was there.

9232. You knew where they where?—I did not know.

9233. You knew some of them?—I knew some of them.

9234. Did you not think it your business to ascertain what became of the voters between the time of Mr. Verner's coming in and the election, to know whether you could depend upon them?—Yes; but I was not always at that with Mr. Moore.

9235. But still you thought it your business?—Yes.

9236. Did Mr. Verner ever say anything to you about the voters at Belfast?—Never.

9237. Did you say anything to Mr. Verner about it?—No.

9238. You say that you have read over the evidence; are you aware that Mr. Verner said, on Saturday, that he was aware of voters being at Belfast?—So he said.

9239. But he had no conversation with you about it?—Not that I recollect.

9240. Did you go over the list of voters with Mr. Verner, at any time?—Well, I do not think I did.

9241. Did you ever tell him the number you expected would vote?—Never; we had frequent conversations on that.

9242. Did he never test the correctness of the canvass by looking over?—I do not recollect that he did with me; he may have done so with Mr. Moore.

9243. Did you think it your business to obtain information as to who of the voters were kept at Hildon?—I never did, for I could have ascertained it, certainly.

9244. Did you consider it your business?—Yes.

9245. And did you consider it your business to obtain information as to the voters who were at Belfast?—I never made any inquiry about them.

9246. Did you make inquiry about those at Hildon?—Not further than what might be in the room.

9247. In going over the list of voters, did you know that no one whose name you came to was at Belfast?—I do not recollect.

9248. Are you quite sure, and do you wish the Committee to understand that, in going over that list, you were not aware if these voters were at Belfast?—That I do not say. I heard they were at Belfast.

9249. Which voter?—I could not say now which voter.

9250. How many?—I could not recollect.

9251. Do you remember more than one voter?—I have heard the names mentioned.

9252. What names?—I could not recollect them now; I do not recollect them now.

9253. Could you recollect the names if you heard them now?—I might, some of them.

9254. Do you recollect the name of John Orr?—I do not.

9255. Of Gamble?—Nor Gamble.

9256. Bakas?—Bakas I have heard of.

9257. Do you recollect the name of Bakas?—It has been said.

9258. Park; do you recollect the name?—I do not.

9259. Mackenzie?—No.

9260. Or Stewart. Do you recollect the name?—I do.

9261. Well, I think you said that you saw voters come in in the morning?—Yes, I saw them come in the morning.

9262. What voters do you mean you saw come in the morning?—Mr. Verner's voters.

9263. And you must have seen voters coming to the poll pretty generally, when you said that you saw voters coming in the morning. What voters do you allude to?—Mr. Verner's voters.

9264. Do you mean the voters who came from Belfast that day?—I saw them come in the same morning, I understood.

9265. Voters that had come from Belfast that morning?—Yes.

9266. What voters were they?—Mr. Verner's voters.

9267. The names?—I declare I do not recollect.

9268. Had you nothing to do with taking off the voters as they voted?—No.

9269. Who did that duty at the election?—There were agents and clerks for it.

9270. You did not think it part of your business to check them off?—I was merely going through the booths.

9271. Was it not your business to ascertain who had voted, and for whom they voted?—I went

went to the tally and got a list of any particular names, and took the slips also in the room.

9272. What time were you at Bannister's?—Eight o'clock.

9273. What room did you go into at Bannister's?—Upstairs to the drawing room.

9274. Any other but the drawing room?—I did not.

9275. Was there anything upon the table in the drawing room?—No.

9276. And you went into no other room there?—I did not.

9277. Was there a room on the ground floor? Had you ever been in Bannister's house before?—In the drawing room, I have.

9278. I think I understood you to say, you came first to Lisburn on the Wednesday evening that Mr. Verner made his appearance as a candidate?—Yes.

9279. Were you informed that he had called at your house the day before?—I think so. Oh, no, not that he called, but a message was left that I was required.

9280. You have read Mr. Richardson's, (of Glenmore), evidence?—I did, several days ago.

9281. Because he informed us that upon the arrival of Mr. Verner on Tuesday, they went to your house?—My impression is, that it was a misstatement of Mr. Richardson. He is under a wrong impression about it, for I was not at home.

9282. Did you hear of putting up their carriage at your house. Do you think that was another day with Mr. Richardson?—I think some other day.

9283. You did not hear anything about it on Wednesday evening?—No.

9284. Do you know a Mr. Arundel of Belfast?—Yes.

9285. Did you see him when you went over to Belfast during the election, when you went at Mr. Moore's request?—Sometimes I did meet him.

9286. Had you any conversation with him about the election?—Not that I recollect particularly. If I met him I dare say we had some conversation.

9287. At the time that you were in Belfast? Just consider before you answer. At the time you were in Belfast on one of these occasions, were you aware of any of the voters that were expected to vote for a Mr. Verner being in Belfast?—I do not.

9288. You wish us clearly to understand that, taking all the times you were in Belfast upon business after the election, you were not aware of any voters being there?—I had heard there were voters there, but not knowing who they were.

9289. You had heard who they were in Belfast, before you heard they were. Did you hear in what places?—No.

9290. Did you not inquire of anybody?—No, I did not.

9291. Did anybody state in your hearing any one place in which they were?—No.

9292. I think in your examination you were asked a question, whether you had undertaken payment of the bills for Mr. Irwin, and you said those expenses that were returned to the election auditor; your answer was: "Those expenses that are returned to the election auditor?"—Yes.

9293. Why did you use the term "those" expenses?—I mean the legal expenses to be returned.

9294. But why did not you use the term "legal?"—The Act of Parliament describes them as such.

9295. Why do you use the term legal; were there any other expenses?—None that I am aware of.

9296. You were not aware of any expenses having been incurred at this election except "legal" expenses?—I am not.

9297. What is the qualification for voting in Lisburn?—£. 8.

9298. Mr. *Cooke.*] With occcupation?—With occupation.

9299. By the *Committee.*] Are there any persons besides those qualified by the 8 *l.* occupation?—No.

9300. They all take their vote from that sort of qualification?—Yes.

9301. Can you give me any idea of the proportion there, holding say under 20 *l.*?—I could not say, indeed.

9302. No where near the mark. Out of the 300 are one-half under 20 *l*?—I should say so.

9303. What are the occupations of that half?—Small shopkeepers.

9304. Mechanics?—Some mechanics.

9305. Are the mechanics among the voters at all in a large proportion?—I think not. Publicans and small shopkeepers, and tradesmen.

9306. What is Sam. Young?—He is in the spirit business, a publican.

9307. *Chairman.*] Keeps a public-house?—Yes.

9308. Mr. *Clerk.*] A spirit merchant?—A spirit merchant.

9309. By the *Committee.*] Do you recollect when you first heard of voters being taken to Hildon, or being "up" at Hildon?—I heard it the day when I came from Dublin.

9310. Did you hear of their being taken on that day, or before that day?—I did not hear any particular time.

9311. Could you give the Committee any knowledge as to when voters were first taken to Hildon?—I cannot, when they first were taken.

9312. Did Samuel Young ever come to you, giving you a report with regard to any particular voter, how he was likely to vote?—No.

9313. I think you subscribed 40 *l.* to support the petition against Mr. Barbour?—I did.

9314. Do you recollect what amount was subscribed; or, at all events, did many persons subscribe to such a fund?—A great many.

9315. Was there a good deal of personal as well as political feeling that occasioned these subscriptions?—I think political feeling.

9316. Are you aware that on that occasion men, who were voters, were at Hildon confined and watched over by armed men?—I heard it.

9317. But was there a feeling abroad that protection was necessary to avoid a repetition of such confinement?—Yes.

9318. Then it was not a matter of surprise in the borough of Lisburn, that voters absented themselves with a view of avoiding any such repetition?—No, it was not.

9319. Did you appear before the magistrates on the Saturday on your return from Dublin, at the time there were nine men taken up by warrant on Monday, and 24 men taken up by the police on Tuesday?—No, I did not; I was not there.

Chairman.] It struck me that fixing the poll on the same day as the petty sessions was a singular arrangement.

9320–21. By the *Committee.*] Were you informed

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formed, on your return, of a visit on the Tuesday before, and that 14 men were taken up by the police?—Yes.

9322. Barbour's men, were they not?—Indeed I forget as to number.

9323. You heard they were Barbour's?—They were Verner's men.

Mr. *Cooke.*] Barbour's on the Monday, Verner's on the Tuesday.

9324. By the *Committee.*] You heard that 14 men were taken up?—When I came home I heard it.

9325. Did you appear to defend them?—I did not.

9326. *Chairman.*] When you were in Dublin, at the end of the week, previous to you returning home on the Wednesday, did you receive any communication or seek any communication with the Conservative Association at Dublin?—None whatever.

9327. Do you know whether Mr. Moore is an officer of that Association?—I do not know.

9328. In the first place, did you see Mr. Verner canvassing in the town of Lisburn?—I did.

9329. How often?—Frequently.

9330. And who have you observed with him at the different times you have seen him?—Different persons.

9331. You must know who they were; just name them?—A number was selected to go.

9332. What was the arrangement of the canvass?—We commenced with a certain street in the morning, and those persons best acquainted with the voters in that street accompanied them; and when he went to another part of the day the other persons who were acquainted with that part went, and so with the next street, and so on.

9333. Whilst he was so canvassing, from the beginning of the election to the end, was he escorted by a certain number of persons for his protection?—He was.

9334. During the whole election?—I could not say every day, but he was, particularly at first.

9335. But how long did that continue?—I cannot say, for I seldom was out with them.

9336. Did you see him accompanied by Redmond Jefferson?—I may have seen him.

9337. Herman?—I could not say Herman, for he lives at a distant end of the town.

9338. Might not Herman be so well acquainted with his end of the town that he would be the proper man to canvass his own district?—His own district was the further end of the town.

9339. But might he have canvassed his district with Mr. Verner?—Certainly.

9340. Young?—Young, too.

9341. And Graham?—Graham, certainly.

9342. And Moses Bullick?—I do not think Moses Bullick was, perhaps, so often out. He was a tradesman, and I dare say would be at his work always.

9343. Do you mean that he was a man that worked himself, or he kept a shop?—He is a painter.

9344. George Thompson, who is he?—A shoemaker.

9345. And Edward Johnson; did you see him with Verner at all?—Never.

9346. How did that happen?—I do not recollect seeing him.

9347. Was he a Verner man?—Edward Johnson is a cabinet-maker. I did not see him canvassing with Mr. Verner.

9348. Now, when you went over to Belfast, you have said you cannot exactly remember upon what business you went there. Do you wish the Committee to receive that answer? Must it not have been some very particular business that took you, the most experienced local agent, from Lisburn even for an hour during the election?—I do not think it was any particular business. I did not say so. I said when Mr. Moore had anything he wanted done at Belfast I would go down.

9349. Why should Mr. Moore send you, who were, so to speak, his intimate professional colleague, to Belfast, when anything was to be done?—When I was going down on my own business I did not stay standing in the room with Mr. Moore, but was attending to my own business; and if I was going to Belfast I would ask if he had anything particular for me to do.

9350. How often did you go to Belfast?—I suppose in that week two or three times.

9351. Did you see any Lisburn acquaintances of yours in Belfast on any of the occasions you refer to?—I do not recollect.

9052. You do not recollect?—I might, of course, just meet many persons in the train.

9353. But I asked you in Belfast; I did not ask you in the train?—Casually I might have met them in the street.

9354. Did you see Graham there on any occasion?—Never.

9355. Did you see Mr. Arundel, of Belfast, there ever?—Yes, sometimes.

9356. Was that accidentally?—In general it was in the street, and I have called at his office.

9357. Was that on any occasion during the election, when you went up to Belfast?—I have called on him when I went to Belfast.

9358. During the election?—During the election.

9359. Had you seen Mr. Arundel in Lisburn?—Yes, I saw him there.

9360. Often?—Frequently.

9361. During the election?—During the election.

9362. Did he take much interest in the election?—He appeared to do so.

9363. For whom?—For Mr. Verner.

9364. What is Mr. Arundel?—A wine merchant.

9365. Do you know a person of the name of Davis, a shop keeper at Belfast?—There is a person named Davis that I have seen at Lisburn; I never saw him at Belfast.

9366. Do you know that he lives in Belfast?—I do.

9367. And have you seen him in Lisburn?—I have.

9368. Did you see him there about the time of the election?—I did.

9369. Who was he in company with when you saw him?"—I saw him in the Hertford Arms.

9370. Did you see Mr. Arundel in the Hertford Arms ever?—I did.

9371. What is Mr. Davis?—I declare I do not know.

6372. Do you know what he is?—I do not indeed.

9373. Was it the habit of the gentlemen who had been canvassing with Mr. Verner to meet of an evening at the Hertford Arms, and make up the result of the day's poll?—Yes, they sometimes did.

9374. Make up the result of the day's canvass, you mean?—They did so.

9375. Was it their custom?—Not every evening.

9376. But most evenings was it?—I think it was.

9377. So that making up the day's canvass,—did that take place in your presence?—Sometimes I was there, and sometimes not.

9378. Was it made up in Mr. Moore's presence?—I think he might sometimes have been there, but I do not know whether he was there always or not.

9379. But was it usually made up in the presence either of you or Mr. Moore, so that you were both acquainted with the result?—We were told the result if we were not there.

9380. But did you say that the books were gone over, and the result made up in your presence upon any occasion?—I recollect some occasions.

9381. Was the name of each voter gone over separately?—The list was read over.

9382. And was it discussed whether he had been promised, or where he was; what he was doing, or who was the right man to canvass him?—It was generally.

9383. I do not quite understand your explanation of the 92 *l.* Do you consider the 92 *l.* is owing as the managing agent at Mr. Verner's election?—Yes, having advanced it.

9384. Because you have advanced it?—That is the balance that appeared.

9385. It is the balance for the first election?—Yes.

9386. Did you consider yourself the managing man for the first election?—No, no; Moore was.

9387. Then, whom did you consider the managing man at the second election?—I was returned.

9388. Whom did you consider the managing man at the second election?—Mr. Moore from the time he came from Dublin was more the managing man of it than I was; but he did not come down so early before the election as on the former occasion, and it was some days before he came down. I was there.

9389. That is no answer to my question; who, in your opinion, was entitled to the fees settled by Act of Parliament at 92 *l.*, you or Mr. Moore?—I was.

9390. What was Mr. Moore's fee at the second election; how did you return it?—He was not returned at all; as he did not hold any post, I may say, at the election. They could not return two conducting agents.

9391. But I want to know if he was returned at the second election at all?—He was not, because he was not in any booths.

9392. Now, then, when you delivered certain accounts to the election auditor in February, did you bring him any vouchers?—All I had got signed by the parties at the time.

9393. And I think you took these away, and told him you would bring him some more?—He initialed them; he had them, and said "You had better take them, and keep them till you get the others; I had the others produced all to him; but they were not all signed by the individuals.

9394. You mean not receipted?—Not receipted.

9395. But did you return all the vouchers when they were receipted?—Not for some time.

9396. Not for some time?—I held them. In fact, I forgot to return them immediately after.

9397. Do you know that you are required to bring them at the same time as the return to the election auditor?—Yes; I should have done so.

9398. How many days was Mr. Moore at Lisburn after the last occasion?—I cannot say exactly. He did not come down till a day or two before the polling.

9399. Did he bring Mr. Colbec with him upon the second occasion as well as the first?—I do not know whether he came with him or not; but he was there.

9400. The June election was a very quiet, tame election, was it not?—It was.

9401. Not as lively as the February election?—No.

9402. Was there any difficulty in polling the voters upon the February election?—No difficulty in polling them.

9403. I do not mean their readiness to go up to the poll, but whether there was any difficulty in getting them through the streets from any rioting or attempts to intercept an elector between the tally-room and the poll?—I do not recollect. There was a very strong force of military.

9404. Military and police?—Yes.

9405. Somewhat in the proportion of 2¼ to every polled elector?—I do not know.

9406. You will find it so. Did you ever apply to any magistrate to get the men polled?—No.

9407. Ward's and Bannister's are directly opposite the polling booth?—It was.

9408. Had you more than one polling place?—Two.

9409. In one place, or in different parts of the town?—In one place.

The witness withdrew.

ELIZABETH M'ILWEE, was called in, and, having been sworn, was Examined by the Honourable *R. Bourke*, as follows:

9410. ARE you the wife of Robert M'Ilwee?—Yes.

9411. Your husband keeps the Vine Hotel at Belfast, I think?—Yes.

9412. Do you recollect the month of February last year?—I do.

9413. Do you recollect men coming to your house from Lisburn at that time?—I do.

9414. Whilst they were in your house, were they restrained in any way from going out or coming in if they chose?—No.

3415. Did they remain during all that time of their own free will?—Yes.

9416. Do you recollect a man of the name of Gamble there at that time?—I do not recollect any of their names.

9417. Have you seen Gamble since you have been here?—He was not pointed out to me; I would not know him.

9418. Were any of them pointed out to you while you were here in the lobby?—One Stewart was.

9419. By the *Committee*,] Was he at your house?—He was for a few days: I could not say how many.

9420. Mr. *Bourke*.] They got their regular meals during their stay at your house?—Breakfast, dinner, and tea.

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9421. Did you ever see any of them worse for drink?—No.

9422. Where is the bar in your house?—Next the hall door. I have only one entrance into the house.

9423. Was that hall-door always open?—Always.

9424. Did they come down to the bar?—Several times.

9425. Do you know any of Mr. Barbour's friends?—No.

9426. Do you know whether any of Mr. Barbour's friends came to the house?—I do not know.

9427. Did any persons come to see them during the time they were at your house?—Not that I know of.

9428. Or tried to see them; you do not know?—I do not know.

9429. Do you know a man called George Ingram?—I do.

9430. Do you recollect how it was that these men came to your house?—I think they came in covered cars.

9431. Did anybody come with them?—I do not know.

9432. Did George Ingram come with them?—Not that I know of.

9433. Did he take the rooms for them?—I do not know; it was my husband who settled for them.

9434. Did Ingram pay for the rooms?—I do not know.

Cross-examined by Mr. *Clerk.*

9435. Do you keep books when you are at home at the hotel?—I generally do.

9436. Suppose you have people staying at the hotel, do you not put down in a book so much for the breakfast, and so on; or if they had so much wine, do you not put it down; if I had the pleasure of staying at your house at Belfast, for instance?—If I expected they would only stay a day or two, I generally put it on a bill-head.

9437. Suppose they stayed a week or a fortnight, you would put it down in a book?—Sometimes I do; sometimes I do not.

9438. You received a notice to produce your books, have you brought them with you?—I have no books concerning the Lisburn election.

9439. You were ordered to produce books during the months of January and February; you received this notice, did you not, to bring in your custody all books of account kept by you between the months of January and July 1863; have you brought those books?—I have no books about that.

9440. No books for the things in your house; you say that when people are staying a certain time in your house, you put it down in a book?—I have done so.

9441. By the *Committee.*] Did you receive that notice yourself?—I do not know.

9442. Mr. *Clerk.*] Was not the paper given to you?—Yes.

9443. Did you receive it yourself?—Yes; I think I looked over it.

9444. The paper was handed to you?—There were papers left on the counter.

9445. Handed to you?—Some addressed to me.

9446. With some money for you to go to London to pay your expenses up to town?—Yes.

9447. Have you brought your books of account?—I have no books of account.

9448. Do you mean that you were keeping no books of account between January and July last year?—There has been no books kept.

9449. Why did you not bring them?—Because there was nothing about this affair whatever.

9450. There is no allusion to this affair in the notice; you are told to bring your books of account between January and July. Did any one tell you not to bring them?—No.

9451. Why have you not brought them?—Because I thought they were no manner of use here.

9452. You were told to bring your books, and you have not brought them?—I have nothing but one old book.

9453. Old or new, you have not brought the book which you were keeping in your house between January and July last year?—I did not bring it.

Re-examined by Mr. *Cooke.*

9454. Had you any books containing anything relating to these voters?—No.

9455. By the *Committee.*] When these six men wished for any spirits or liquor besides what they had at their meals, how did they obtain it; did you send it up to them by any servants in your house. Supposing any of these men wished for any whiskey or lemonade, or anything of the sort, how did they obtain it?—Sometimes they got it at the bar themselves; sometimes it was sent up to them.

9456. Who took it up to them?—The waiter.

9457. What was his name?—His name was George Morley.

9458. Where were these people at the time they were not at their meals?—In a sitting-room.

9459. Where was that?—In front of the house.

9460. When you say "sitting-room," was it a coffee room accessible to any one who was staying in the house?—The room is what we term a "sitting-room," a sort of commercial room.

9461. They had access to this room at other times than when they were having their meals?—They had.

9462. Have you been paid for the entertainment of these men?—No, I was not.

9463. Was your husband, to your knowledge, paid?—I do not know.

9464. Did any of these men pay for the spirits they had at the time they had them?—Some of them did.

9465. Can you tell us who?—One named Robert Munce; that is the only party I knew the name of.

9466. He used to pay; did he always pay?—When he came down stairs he always paid for what he had.

9467. Was anything ever sent upstairs to him?—I do not know in particular whether it was.

9468. How did you enter the different things that were sent upstairs?—When I found who they were I got a small penny pass book, and entered it all into that.

9469. Have you that book now?—No, I gave it over to my husband.

9470. When?—After they left the place.

9471. Did you enter what had been paid for, as well as what had not been paid for in this book?—No, I did not.

9472. What did you enter in that book; only what was not paid?—Only what was not paid.

9473. And you gave this book to your husband?—Yes.

ROBERT M'ILWEE was called in; and, having been sworn, was Examined by Mr. *Cooke*, as follows:

9474. Do you keep the Vine Inn, at Belfast?—I do.

9475. Do you remember, in February last year, some Lisburn voters coming to your house?—I do.

9476. And remaining there some time?—Yes.

9477. About what period?—I think about 10 or 12 days; I am not quite sure; I think it is about that.

9478. Was the time of their arrival unexpected by you, or had some communication been received before, to apprise you of their coming?—I had had some slight communication before that.

9479. From whom?—From Mr. Ingram.

9480. Mr. George Ingram?—Yes.

9481. Is he also an innkeeper at Belfast?—He is.

9482. During the time these men were in your house, was a person named George Morley, a waiter, there?—He was.

9483. Did you give any directions to Morley with reference to these men, as to keeping them from going out?—None.

9484. Did you impose any restraint upon the voters yourself, to prevent their leaving the house?—None whatever.

9485. Did you place any person as guard over them, to prevent their going out if they wished?—No.

9486. Did any of the men apply to you for liberty to go away?—None.

9487. Were they, as far as anything transpired to your knowledge, remaining there contentedly?—I think they were remainining quite contentedly.

9488. Had Ingram made any arrangement with you as to what they were to be supplied with?—None whatever.

9489. What did you supply them with daily with regard to food?—Breakfast, dinner, and tea.

9490. What, in the way of liquid?—Well, I could not exactly say; probably they would have a glass or two of grog, and some of them a bottle of porter; or all.

9491. Do you mean at a meal, or per day?—Probably per day; some of them had not that much.

9492. Were any of them in a state of intoxication day after day?—None; there never was any one intoxicated in the house. I might explain, there was one who was out, he was the only one.

9493. Which was that?—His name was Munce.

9494. He was the only one that did what?—That was intoxicated during the time he was there; he was a little intoxicated one night; he told me he met some friends.

9495. At all events Munce went out and came back intoxicated; not what we call in this country, "drunk on the premises?"—Yes.

9496. By the *Committee.*] He did not get intoxicated in your house?—No.

9497. Mr. *Cooke.*] During the time these men were at your house did any of the Barbour party come there?—Yes; a great many of them, I think.

9498. Do you know any of the persons by name who came there?—There was a Mr. Watson, and he offered me a certain sum of money if I would allow him to go into the room with them.

9499. Were there other persons with Watson at that time?—No, not at that time.

9500. Watson came alone?—Yes.

9501. Did he mention a sum of money?—He did.

9502. What was the amount?—150*l.*

9503. To let him go in to see these voters?—To send some person in to them.

9504. How long had they been at your house before that offer of 150*l.* was made you by Watson?—They would not be more than three or four days, probably a little more.

9505. Do you remember anybody that got into the house?—Yes.

9506. Was that one of the Barbour party?—It was; he was in the room with them; he went in of his own accord; he was in another room, and he went into the room where the voters were, and made some remark; it was a young man; his name has left my memory, but if it was refreshed I would know.

9507. Was it Finlay?—No.

9508. He had been in another room in the house?—Yes.

9509. What was the room he went into where the voters were?—Into the commercial-room.

9510. Which part of the house is that?—On the first landing, and he was in the parlour; he walked out of the parlour into the commercial-room.

9511. How came you to know of his being there?—Through one of the voters.

9512. Bringing you the information?—Yes.

9513. Upon that did you go to the commercial-room, where you found him?—I met him coming down stairs.

9514. On any other occasion had you persons endeavouring to get communication with these men?—On several occasions.

9515. Do you remember one of Mr. Barbour's brothers coming?—I do not recollect that, but I recollect Mr. Richardson coming. He did not interfere anything with them. There was Mr. Richardson, and Mr. Watson, and Mr. Finlay, I think.

9516, What was said to you by Richardson, or Finlay, or Watson, when they so came?—They went into the commercial-room.

9517. Were these men there at that time?—No, they were in another room; they went in and sat down, and had something to drink; and they passed some remarks, saying I must be very busy now, or something to that effect.

9518. By the *Committee.*] What Mr. Richardson?—Mr. Richardson, who lives in Belfast.

9519. What is he?—I am not sure.

9520. What is his Christian name? Did you know him as a Belfast man?—I knew him as a Belfast man.

9521. Do you not know what he is?—He has an Insurance place, I think; Phillip, I think, is his name.

9522. Do you mean that he is a man of independent means, or that he keeps a shop, or office,

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or what?—He is some relation, I do not know what relation, to Mr. Richardson of Lisburn.

9523. Mr. *Cooke.*] Was anything said on that occasion about Lisburn to induce you to suppose that they came on the part of Mr. Barbour?—There was nothing said about that, only Mr. Watson attempted to go up stairs, and I would not let him.

9524. I believe the Lisburn men left you the evening before the Lisburn poll, Friday afternoon?—It was on the morning they left.

9525. Friday morning was it?—Yes.

9526. By the *Committee.*] Was that the same Watson who keeps an hotel opposite the railway station?—No, it is not.

9527. Is he any relation?—No relation to my knowledge.

9528. What is Watson?—A builder.

9529. In a large way of business?—Middling.

9530. Mr. *Cooke.*] What was the rate of charge you made for the refreshment supplied to these men?—I made the usual charges.

9531. What was the usual charge?—One shilling and sixpence for breakfast, 1 *s.* 6 *d.* for dinner, and 1 *s.* for a plain tea.

9532. Was it a plain tea you charged for in this instance?—Yes.

9533. Were these items put down in any book?—They were, and 1 *s.* 3 *d.* for bed.

9534. Where is the book?—I cannot tell.

9535. What did you do with it?—It was a pass-book. The first night of their coming there they had some supper and I put it on a bill-head, not knowing how long they might be with me; and, when I found they were going to be some days, I put it in a little pass-book, which pass-book I handed to another person.

9536. What is his name?—I did not hand it; I wish to withdraw that statement; I left it in the office of Mr. Johnson.

9537. The expenses charged in that book you were paid in the office of Mr. Johnson?—I was.

9538. Did you give the book to Mr. Johnson?—I left the book there for him.

9539. At his office?—Yes.

9540. What is Mr. Johnson?—He is a wholesale grocer, I think.

9541. Is he a member of the Town Council?—I do not know, I never saw him there; I believe he is.

9542. Who paid you?—Mr. Ingram.

9543. What money did you receive?—£. 40.

9544. By the *Committee.*] From George Ingram?—Yes.

9545. Mr. *Cooke.*] Is it true that Morley was put to guard them in any way, to prevent the voters going out of the house?—It is quite false.

9546. How long was he living with you as a waiter altogether?—I dare say he was not with me more than two months.

9547. Did he make any application to you to have remuneration extra for the waiting upon these men?—He did.

9548. Which you refused, I believe?—Yes.

9549. By the *Committee.*] What was it you said was not true?—It was untrue him being put to guard the persons.

9550. Mr. *Cooke.*] Did he ever, to your knowledge, interfere to prevent any of these men from leaving the house?—No, never, I am sure; nor did any one attempt to leave, except one or two that went down stairs; that went out and came in again.

9551. Under what circumstances did Morley leave you?—It was rather for being inattentive to business. He used to go out of an evening.

9552. How many bedrooms do you keep in the Vine Hotel?—Eight.

Cross-examined by Mr. *Clerk.*

9553. You put this down in a little penny book?—Yes.

9554. That your wife got?—We have them in the house.

9555. You had other books at the time, had you not, in the house?—No.

9556. No book?—We have a book, but there is very little ever goes into it. Some gentlemen refuse to have their name in it at all.

9557. Do you keep a penny book for every gentleman?—No; but I invariably make it out on a bill-head.

9558. But you have books at your house?—We have no books, except pass-books.

9559. Nothing but those penny books?—We have not many penny books. We have none at present, except one.

9560. Have you no books at this moment in which you put down the charges against the persons staying any time at your house?—No.

9561. You had none last year?—No.

9562. By the *Committee.*] I think I understood you to say that the voters were generally in the commercial-room?—Yes.

9563. Were they in the commercial-room when Mr. Richardson, Finlay, and Watson called?—They were not. I explained that they were in the parlour.

9564. Where is that parlour?—It is on the same floor, and within one step of the commercial-room door.

9565. Are you in the habit of preventing persons coming to your house from going up to see other persons that may be there?—If I was told, I would.

9566. Who told you in this case to prevent them?—I was told not to let any of Mr. Barbour's people interfere or tamper with them.

9567. Who told you?—I was told by Mr. Ingram.

9568. Those men themselves did not tell you?—No; allow me to explain. They were in dread of being taken by some of Mr. Barbour's party.

9569. Are you in the habit of preventing persons who come to your house going up to see persons that are there, at the bidding of somebody else?—If they told me; if the parties told me themselves.

9570. I understood you to say that the parties themselves did not tell you; that Ingram told you?—So he did; I explained that. They were in dread of being taken away by some of Mr. Barbour's people.

9571. How did you know that they were in dread of Mr. Watson taking them away?—They were not in dread of Mr. Watson more than other people. There were plenty of people going about in the house during the time.

9572. Would it have been possible for Mr. Watson to have taken them away against their will?—I do not suppose it would. Mr. Watson was in the room with them and offered them 25 *l.* a-piece for all that would vote for him.

9573. Did you hear that?—I did; I was present.

9574. Which room was that in?—The commercial

mercial room. There had been some few of them taken away at that time.

9575. Taken from where?—That is, went away from my house.

9576. You say, "went away," and "taken away;" which do you mean?—I do not know; they went.

9577. What made you use the term, "taken away?"—I do not know.

9578. Which of the voters was it that went away in that way?—I could not tell the names, except three.

9579. What were their names?—Munce, Stewart, and a man who was examined here,—Gamble.

9580. Was Munce taken away?—No; but I should say I could not out of all the number there tell you the names, except three.

9581. Which went away?—I could not tell you.

9582. How many of them were there?—I think there were 13.

9583. How many were taken or went away?—Either five or six.

9584. Five went away?—Yes.

9585. Which party took them away?—They went away in cars.

9586. Do you believe they were taken away to vote for Mr. Barbour?—I do not know.

9587. What made you say that some of them were either taken away or went away. You gave the impression to the Committee that they were taken away by Mr. Barbour; do you mean the Committee to have that impression?—No, I do not.

9588. That would be a mistake?—That would be a mistake, if I left that impression.

9589. How do you know that those men coming to your house were Lisburn men?—I did not know they were Lisburn men until the next day.

9590. Who told you the next day?—Mr. George Ingram.

9591. Did he assign any reason to you why they came?—He did.

9592. What did he tell you?—He told me there was to be an election at Lisburn, and that there was a great deal of voters taken away by what was then termed the Barbourites, and they were trying to get as many as they could for fear of their being tampered with.

9593. Did he tell you anything else? Did he give you any instructions about them?—No instructions; I was to make them comfortable.

9594. Nothing else?—Nothing else.

9595. Nothing at all?—Nothing more than I was not to allow any person from Hildon to be interfering with them.

9596. Did he ask to see the rooms which they were to inhabit?—No.

9597. Did any one of those six men tell you to prevent anyone coming to see them?—I could not say, as I do not know one of their names. Out of the 12 or 13, I only know the names I told you.

9598. Can you recollect whether any one of those men who came with Mr. Ingram's introduction, told you to prevent people going up to them?—I think there was one.

9599. Do you know his name?—Stewart?

9600. What did Stewart tell you?—There was another man, I do not know his name; he was left until the last; he was very much frightened at being taken away.

9601. What did Stewart tell you?—That I was to be particular to let no person in there from Hildon, any of Mr. Barbour's connexions whatever.

9602. Did he tell you the names of Mr. Barbour's connexions?—No, he did not.

9603. What made you refuse Mr. Watson?—Because from his before-hand offering me 150 *l.* to allow him to send any parties into the room; that was the reason why I kept him out, why I kept him from getting to them.

9604. You say some of the men there went away, or were taken away. Do you know with whom they went away?—I think it was with Mr. Johnson.

9605. What Mr. Johnson?—The gentleman referred to.

9606. The same gentleman to whom you gave your account book?—I think so.

9607. Have you asked him to return that account book?—Never.

9608. Did you ever ask Mr. Ingram whether he got that account-book, to show that your charges were correct?—No.

9609. Then, when he paid you 40 *l.*, did he say anything to you about, "Where are your accounts?" or, "I should like to see your accounts"?—No.

9619. What occurred when he paid you 40 *l.*?—There was nothing occurred. I gave him a receipt for the money on a slip of paper.

9611. He asked you no questions, and you asked him none, is that so?—There was another gentleman present when he paid me.

9612. Who was that?—Mr. Charles Ward.

9613. What is Mr. Ward? Is he a Belfast man?—He is.

9614. What is he?—I am not exactly sure.

9615. Do you know him?—I know him very well by seeing him.

9616. Yet you do not know who he is?—No; he has an office in Castle-street.

9617. What for?—I cannot say.

9618. He and Ingram came and paid you 40 *l.*?—Yes.

9619. Ingram asked for no account? — He asked for no account.

9620. Did you offer him no account?—No; I had none to offer him.

9621. Did you tell him you had handed over your book to Mr. Johnson, and that you would like for your satisfaction that he should go and see what the men had had during the time they were in your house?—No; he asked no questions, nor did I. I gave the receipt, I believe, to Mr. Ingram; either to him or to Mr. Ward.

9622. Do you keep cars?—No.

9622. In whose cars did the men go away from your house?—I could not say.

9623. You do not know?—No.

9624. You do not know whose cars?—No.

9625. They were sent there?—They were at the door.

9626. Not standing at the door all day?— No.

9367. They come there on purpose?—I believe so.

9629. Do you know anyone who was there with them?—I do not.

9630. Did Stewart or Munce, or any man who went away, say, "We are going?"—No.

9631. Was the 40 *l.* you received from Ingram more or less than the account you had made out in the little book you state you left at Johnson's?—It was less.

9632. How

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9632. How much less?—It was 2 *l.* odd less.

9633. Then what led you to take less than your claim?—I was making a charge for waiters, and they would not allow it to me.

9634. You made a charge for waiters?—Yes.

9635. What did you charge for them?—I could not exactly say now; it is so long ago.

9636. How many waiters had you?—We have two generally, a waiter and boots.

9637. Had you two at that time?—I had.

9638. Had you more than two?—I had Morley.

9639. Had you more than two?—No, not more.

9640. You did not get any extra waiter to help at that time?—None.

9641. Were there other people staying in the house at the time besides those 12 or 13 men?—There were.

9642. I mean stopping in the house, sleeping?—Yes, there were.

9643. Did you hear Morley ask Mr. Ingram to give him anything for his extra waiting?—I believe he did; he asked myself.

9644. Did you hear him ask Ingram?—I did not. I wish to explain one word. He told me he could get something otherwise.

9645. What else did he tell you?—That was all.

9646. I think you said that Mr. Ingram told you that you were to prevent their being taken away. Did I not understand you to say, that in preventing Watson going upstairs, it was because you had been told that you were to prevent their being taken away?—It was to prevent any of Barbour's party from tampering with them.

9647. Was it from fear of their being taken away by force, or of their being tampered with?—Some of the men themselves were afraid of being taken away by force.

9648. Did they tell you of it?—They did.

9649. You have only given us two names?—There was a man examined here. I do not know his name. I would know his name if I heard it. He accused me of selling the pass. When this young man from Hildon went into the room and made the remark, which before I have stated, "You are comfortable," or something to that effect.

9650. Did Ingram tell you not to let Barbour's people get at those men?—He told me not to allow them to be tampering with them. In fact, I believe it would be tantamount to that, not to get at them.

9651. You cannot tamper with a man unless you get at him. You could send a note, to be sure?—You could.

9652. You think you could tamper with a man without speaking to him, or getting at him?—I think it could be done.

9653. What did you understand by selling the pass?—It meant, I suppose, that I was getting something from them for allowing this young man in.

9654. To see them?—Yes. He walked out of one room into the other.

9655. Had you let him in by mistake?—Not by mistake; the door was open for every one to come in. I was doing my usual business.

9656. I suppose you did not believe in the story of the likelihood of these voters being exposed to violence in your house?—I do not suppose they were afraid of violence; but they might be carried off against their wills.

9654. If you had believed that, you would have naturally kept your door shut?—I would not.

9658. You kept it open for other customers?—Of course; I had other parties staying at my house too.

9659. Was that 150*l.* you speak of offered in one sum?—It was offered in one sum. He told me he would give me 150*l.* if I would allow parties to go into the room to them.

9660. You said, just now, 25 *l.* a head?—He offered that to the voters if they would vote for Barbour.

9661. Did you hear him?—I did; and several parties that have been examined here could say the same.

9662. Did you hire any man to sit upon the stairs, or stand upon the stairs, to have any observation over the voters?—I did not.

2663. If Morley has stated that a man was employed for that purpose, was he stating that which is untrue?—He was, most assuredly.

9664. You got no man for any such purpose?—None.

9665. Did anybody send a man?—Not to my knowledge.

9666. Was there a man in your house doing such a thing?—No.

9667. A man who was a sexton?—He was in the house, but not to watch the voters.

9668. What was the reason for that man being in the house?—It was not to allow any person to have any communication with them, any of the Barbour party.

9669. That is almost the question I asked you?—It was not watching the voters.

9670. It was watching some one else on their account?—Yes.

9671. But the man was present and sitting on the staircase?—He might be on the staircase very seldom; but he was always in a room whenever I saw him, invariably.

9672. But it was his business to keep a sharp look out as to who came up stairs, was it?—He knew the parties, I dare say, that were going up.

9673. It was his business to do so?—Not altogether.

9674. What was his other business?—He had many things to do; he was doing other little things as well.

9675. Was he in your employment at that time?—He was not.

9676. Who came up to your house?—I could not say.

9677. How could you allow a man to come into your house without knowing where he came from, or why he came? What did he tell you when he came?—He told me just what I have told you, that he was to keep any of the Barbour party from interfering with them.

9678. Did he not say who sent him?—No.

9679. You let him remain there because he came and said that?—He was only there about two or three days; two days, I think.

9680. Nevertheless that was all the communication you had about that man before he came?—That was all. In fact, I did not know until he did come.

9681. Was he a stranger to you?—Not quite a stranger.

9682. Did you know him?—Yes.

9683. You knew him not to be one of the Barbour party?—I did.

9684. Who paid for his keep?—His keep for the time went down with the others.

9685. With

9685. With the 40 *l.*?—Yes.

9686. Do you wish the Committee to understand that Mr. Watson came to you, and without any previous conversation at all, offered you 150 *l.* to let certain people get in to the voters' room?—I wish them fully to understand that.

JOHN GOLDING was called in; and, having been sworn, was Examined by Mr. *Bourke*, as follows:—

9687. WHERE do you live?—Lisburn.

9688. Do you recollect the February election of last year?—I do.

9699. Did you go to Redpath's in Belfast?—I did.

9690. By the *Committee.*] Are you a voter for Lisburn?—Yes.

9691. How do you vote?—For Mr. Verner.

9692. Both in February and June?—Yes.

9693. Mr. *Bourke.*] Were you kept at Redpath's against your will?—No; I had liberty to be in and out of the house, with the exception of one night when I had some drink, and when I came in the men accompanying me would not let me go out that night for fear of my being taken up. I had liberty to go out or in; which I had a mind.

9694. You had liberty, except upon this one occasion, when you had a drop too much?—Yes.

9695. They prevented you from being taken up?—Yes.

Cross-examined by Mr. *Clerk.*

9696. You have began your history at Redpath's. I will begin a little earlier. Who took you to Redpath's?—I went in a car to a man they call Ingram.

9697. From Lisburn?—From Lisburn to my house.

9698. Who went with you?—There were two other voters along with myself, and a young man named Dawson.

9699. By the *Committee.*] What were the names of the two voters?—Robert M'Cann, and Ralph Orr.

9700. Mr. *Clerk.*] Dawson was with the car?—Yes.

9701. Who is Mr. Dawson? Is that Mr. James S. Dawson?—I believe that is his Christian name.

9702. What is he?—I think he is a clerk, or a brewer, or something for Mr. Graham. I think that is his employment.

9703. What day was it you went to Redpath's?—I could not tell, for I kept no account, either of the day of the week, or the day of the month. I did not expect that I should be called upon for it, and I did not bother about keeping any account of days or months.

9704. Who asked you to go to Redpath's?—It was my neighbour, Mr. James Dawson. He asked me to go to Belfast. He said he thought I would be safer there than at home.

9705. Do you know Tumblety's, in Lisburn?—Yes; I know a man of the name of Tumblety who lives in Lisburn.

9706. Were you in there one night?—No; I never was a night in Tumblety's house.

9707. Were you a night in Stephenson's house?—Never.

9708. Had you not been away from your own house for one night, or two nights, before you went with Dawson to Belfast?—No, I was not.

9709. You had been all the time in your own house?—Yes.

9710. You cannot tell what day it was when you went?—I cannot; I did not keep any recollection of what day of the week I went.

9711. You were away for a fortnight nearly from your work. You are a plant man, I believe, at Lisburn; you keep a cabbage garden?—There was a joke made among the voters about being a plant man. I do sow some plants, not many; that is not my occupation altogether.

9712. What is your occupation?—I have a farm, a piece of land of my own.

9713. You raise plants?—I do.

9714. You were away from home for a fortnight?—I do not think I was away that long.

9715. Then for 10 or 12 days, at all events?—I do not think I was away 12 days; I could not be that time away.

9716. Have you got anything for loss of time while you were away so long?—I did not.

9717. Do you not expect something for loss of time?—I never heard about getting anything, and I never got it, from the first day I saw Mr. Verner, and promised him my vote. I never asked for one thing or another.

9718. Had you not promised your vote for Mr. Barbour before that?—I never had for him; he never was in the house in my time. I kept out of his road.

9719. Or anybody on his behalf?—Neither him nor no other body; only Mr. Verner himself.

9720. Was he the only person who asked you to vote?—He was the only man I ever promised to vote for, on that occasion.

Re-examined by Mr. *Cooke.*

9721. You went, on that occasion, direct from your own door to Belfast on a car?—I did; I went out of my own house, and stepped into the car without the assistance of anyone.

9722. You went with your own consent until you got to Lisburn?—Yes.

9723. And did you give your free vote to Mr. Verner when you polled for him?—I did; and I hope I will again if he requires it.

9724. By the *Committee.*] I understand you to say that it was Dawson who suggested to you leaving Lisburn?—Yes; we live neighbours.

9725. Had you any idea of going yourself, before Dawson suggested it to you?—I was willing enough to get away, for I never durst go out of the house after dark, for there was a party of men all along the road; I did not know which they belonged to, and I had to keep inside my own house after dark; that was my reason for going. I did not want to be dragged or torn by any party. I did not know which party was either side.

9726. How long after Mr. Verner had come into the town was it that he called upon you, do you recollect?—I think, to the best of my recollection, it was on Tuesday he called on me; but what day he came into the town I do not know.

9727. Who was with you when he called upon you?—There were some gentlemen with him; I do not know their names. There was a Mr. Colbeck.

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9728. Who else?—I think Mr. Beatty; I am not altogether sure. I think so.

9729. Anybody else?—I think there were other gentlemen, but I do not know their names. They were strange gentlemen to me.

9730. They came into your house?—No, I was not in the house at the time; I was in the barn threshing some oats. I came out of the barn door to them. Mr. Verner was never in the house at that time.

9731. You promised your vote at once?—Yes.

9732. How long was that before you went away?—I think it might be three or four days; I could not say the time.

[The Witness was directed to withdraw.

GEORGE INGRAM was called in; and, having been sworn, was Examined by Mr. *Cooke*, as follows:

G. Ingram.

9733. YOUR name is George Ingram?—Yes.

2734. Are you an inn-keeper in Belfast?—Yes.

9735. I believe you take a strong interest on the side of the Conservative party in the town, and in Ireland generally; is that so?—Yes.

9736. Are you acquainted with Mr. William John Johnson?—Yes.

9737. Is he one of the leading persons of your party in Belfast?—Yes.

9738. In a large way of business there?—A wholesale grocer.

9739. Did some cars with voters belonging to Lisburn arrive at your hotel in the month of February last year?—Yes.

9740. Did either the driver or the voters apply to you for admission into your hotel?—I think it was Tumblety, the car driver. I am not sure.

9741. You could not receive the voters?—We never keep any lodgers.

9742. Did you go round to three or four persons, Redpath, and M'Ilwee, and Weir, to make arrangements for the voters being received and accommodated there?—There were only three came that night.

9743. I do not want to go through them all, did you, first or last, make arrangements at four houses for these Lisburn voters to be received and taken care of?—I did.

9744. Did you, during the time they were in Belfast, afterwards go to those houses, now and then, to see how things were going on?—I did.

9745. Were any of these men detained in any of those houses against their wishes?—I am sure they were not.

9746. From inquiring, and from what you saw, are you able to state that as a fact?—I am certain of it.

9747. On the night before the poll, were they brought from the houses where you had made arrangements for them, to Watson's hotel?—They were.

9748. Did you see them at Watson's hotel?—I cannot say. In the morning I did, not that night.

9749. Did you go to the railway station to arrange about their tickets?—I did not.

9750. Do you know who did?—I do not.

9751. Did you afterwards settle with those persons whom you had applied to to accommodate them, and pay their accounts?—I did.

9752. Was it your own money, or from whom did you obtain money to pay those accounts?—I got it from Mr. Johnson.

9753. Can you tell us whether the accounts delivered in to you were ordinary, reasonable charges?—I think they were reasonable.

Cross-examined by Mr. *Clerk*.

9754. Had you ever had Lisburn voters brought to you at Belfast before this election?—Not before the February election.

9755. You had some brought at the June election, had you not?—No; I had nothing to do with the June election.

9756. Then we will confine ourselves to the February election. You say some cars came with voters to your house?—Yes.

9757. And Tumblety came with the car?—Yes.

9758. There were only three came the first night?—I think there were three.

9759. What night in the week was that?—I could not say.

9760. Was it Saturday night?—I think it was not. I think it was Friday or Thursday. I do not know.

9761. You do not know?—I do not.

9762. Had you not an intimation before that, that the voters were coming?—I had not.

9763. Do you mean to swear that the first thing you heard of the voters coming from Lisburn was Tumblety's driving up to your house?—I do.

9764. Did he bring any letter with him?—He did not.

9765. Any paper?—No paper.

9766. Did he read anything to you?—Nothing.

9767. Did you read something yourself?—I read nothing.

9768. When you were called here the other day to produce any letters received by you, do you remember telling me that a letter was read to you, but you had not got it?—No; that was on a petition. That was on the withdrawal of a former petition after the election was over. There was no letter read to me. I received no letter from any party.

9769. You mean that the first thing you heard about this, was Tumblety coming with some voters in a car to your house?—Yes.

9770. How came you to go to other houses, to M'Ilwees and Weirs, I think, was it not?—Not at that time.

9771. Not that evening?—I had not to go to four houses with three voters.

9772. How came you to go to different houses in Belfast?—There were more of them came down, and one house would not hold them.

9773. We have heard that the day before these voters came, you had gone to M'Ilwee's to make arrangements with him about receiving them?—Yes; but there were some at Redpath's before that.

9774. Did you not learn at that time that there were some coming the next day?—I think some of the voters told me that there would be more coming.

9775. You

9775. You then went round to M'Ilwee's and to Weir's, and M'Neilly's?—I went to M'Ilwee's first.

9776. Did you tell M'Ilwee that he was not to let any one see them?—I think not. I do not recollect that.

9777. If Mr. M'Ilwee has said so, do you think he is mistaken?—I do not know. I do not recollect

9778. Did any one tell you that no one was to see the voters?—No, I think not.

9779. Had you any instructions from any one as to what was to be done with these Lisburn men?—After the Barbour party came to force their way into the house where they were.

9780. I ask you, at the time the voters came, had you received no instructions from any one as to what was to be done with them?—None, whatever.

9781. How came it that you took the responsibility of going round to these different houses to order accommodation for them?—Because they were Conservative voters.

9782. You had seen nobody upon the subject except Tumblety, before the voters came?—None whatever.

9783. When you ordered or requested Mr. M'Ilwee to provide these men with accommodation, did he not want to know who was to pay for them, or who he was to look to?—Yes.

9784. What did you tell him?—I said I would pay him or I would be responsible.

9785. You keep a public house, do you?—Yes.

9786. Did you tell Weir the same thing?—He never asked me.

9787. Did you tell M'Neilly?—He did not ask me.

9788. You only told M'Ilwee?—That is all.

9789. Did you tell Redpath?—I was never asked at Redpath's.

9790. You told Mr. M'Ilwee that he was to look to you and you would pay him?—Yes.

9791. Did you ever go to Lisburn after these men came to your house, and before the day of election?—I recollect being up one day in Lisburn, but not on that business.

9792. Did you go to the Hertford Arms while you were there?—I think I was there.

9793. Whom did you see at the Hertford Arms?—I do not know: it was market day. The house was full of people. It was on a Tuesday.

9794. Was that the Tuesday before the election?—I do not know.

9795. Do you know Mr. Waring?—Yes, I know him; Mr. Lucas Waring.

9796. Did you not see him at Lisburn?—I did not.

9797. Did you never see him at Lisburn either before the election or the election day?—I saw him on the election day.

9798. You were there on the election day?—I was.

9799. How came you to go there on the election day?—To see how it was going on.

9800. Had you ever been at the Lisburn election before the February one?—Never.

9801. Your interest was very great in this last election?—Rather more than usual.

9082. You had been taking a part in it this time?—Yes.

9803. We have heard that a Mr. Ward was there; a Mr. Ward at Mr. Johnson's when you were there, when some accounts were brought in?—I think he was.

9804. Who is he; what is he?—He is a house agent.

9805. Is he the Conservative agent of Belfast?—The Conservative agent for Belfast.

9806. By the *Committee.*] Do you mean the registration agent, or what?—Yes, the registration agent.

9807. Mr. *Clerk.*] Do you know Alexander M'Cann?—I have seen him two or three times.

9808. Where?—Once in my own house; twice in my own house.

9809. At Belfast?—Yes.

9810. Now, just recollect. Did you not see Alexander M'Cann at your own house before the car of Tumblety's first came to Belfast?—I did not.

9811. What did M'Cann come about?—I think it was after the election was over M'Cann came to gather evidence for the former petition.

9812. For the petition against Mr. Barbour?—Yes; if I recollect, that is what it was.

9813. Do you mean to say that you did not see M'Cann at Belfast before the voters went back to Lisburn?—I could not say. I can not say that.

9814. Do you not know that you did see him there?—I saw him after the election I am certain.

9815. Before the election?—I cannot say.

9816. You cannot say whether you did or not?—I am not certain. I think, perhaps, I might.

9817. Cannot you recollect now for a minute. As an honest man, what did he come about?—Nothing particular.

9818. Do you mean to say he brought you no letter?—I do.

9819. Did he bring no message from Mr. Moore?—None whatever.

9820. Do you know Mr. Arundel, a wine merchant at Belfast?—I do.

9821. Did M'Cann bring you any message from him?—He did not.

9822. Or any letter?—Not one.

9823. Did he bring any letter to you?—Not till after the election was over.

9824. How soon after the election was over?—It was the time he was getting up evidence on the petition against Mr. Barbour.

9825. Do you mean to say he never brought you any letter except upon that occasion?—Never.

9826. Did you see Mr. Arundel at your house a short time before the election?—I do not think he was ever in my house before the election.

9827. Did you see him in Belfast?—I do not recollect seeing him in Belfast. Mr. Arundel is not long in Belfast.

9828. By the *Committee.*] You knew him at the time of the election?—Yes, I knew him then, but I had no correspondence with him.

9829. Mr. *Clerk.*] Mr. Johnson is a town councillor of Belfast, is he not?—Yes.

9830. Did any one tell you to take the accounts to his office?—Mr. Johnson told me to call on him for the money, and go and pay the bills.

9831. Had you applied before to Mr. Johnson to know who was to pay these bills?—Yes, I think I did. No; not before the election.

9832. After the election was over, you applied to Mr. Johnson to know who was to pay these bills?—I asked him how I was to do with them.

G. Ingram.
21 March 1864.

He said that he did not know, he would make inquiry.

9833. Could you say how soon after the election it was that you asked Mr. Johnson; because the responsibility was resting upon you at that time. Could you say how long after the election you made application to Mr. Johnson?—I think it was sometime in the beginning of the week.

9834. Could you say how soon it was he told you that you were to bring the bills to him?—I do not know the day it was, I kept no account. I should think it was in the beginning of the week.

9835. The beginning of the same week?—After the election.

9836. The beginning of the week after the election?—Yes.

9837. You took the bills to Mr. Johnson. Were the bills delivered to you in the first instance, M'Ilwee's bill for instance?—I think I went for that. I am not certain.

9838. Did not M'Ilwee give you a little book?—He did.

9839. What did you do with that little book?—I returned it to Mr. Johnson to let him see what I had done with the money.

9840. Did he keep the book?—I returned it as a receipt, with a receipt stamp upon it.

9841. Did you give it to him?—I left it with him.

9842. By the *Committee.*] Who has M'Ilwee's receipt?—I left it with Mr. Johnson.

9843. Then, as far as you know, it is in Mr. Johnson's possession now?—So far as I know, it is.

9844. Mr. *Clerk.*] As to the other bills; was Redpath's bill given to you?—I did not pay Redpath's bill.

9845. Did Redpath come to you to know who was to pay him?—Yes.

9846. What did you tell him?—I said it was too much; that he was charging too much; more than M'Ilwee was charging.

9847. What was Redpath charging?—I think about 7*s.* a day.

9848. Per head per day?—I think 7*s.* a head per day.

9849. By the *Committee.*] M'Ilwee's was 5*s.* 6*d.* without the drink?—I think it was more.

9850. Mr, *Clerk.*] You told Redpath he was charging too much?—Yes.

9851. Was he, to your knowledge, afterwards paid?—I believe he was, but I do not know of my own knowledge.

9852. Weir; do you know whether he was paid?—I paid him 30*l.* 10*s.*

9853. Who gave you the money to pay Weir?—Mr. Johnson.

9854. M'Neilly; did you pay him?—I did not.

9855. Did you receive his account?—I did not.

9856. Did he make any application to you for payment?—None.

9857. Watson; he has a house near the railway station at Belfast?—Yes.

9858. Were you at that house the day before the voters started, or on the morning they started for Lisburn?—I was, in the morning.

9859. Had you made any arrangement with Watson about receiving the voters?—I had, two or three days before.

9860. How came you to make an arrangement with Watson to receive the voters before they started to Lisburn?—We were afraid of the other party coming and stealing them away from us.

9861. Who is "we?"—When I say "we," I say all the Conservatives of Belfast.

9862. Being afraid that the voters would be taken away from you, you took them to Watson's?—Yes, to be handy to the railway.

9863. Do you know how much Watson was paid?—I do; 20*l.*

9864. For the night's entertainment?—They were taken on Thursday, I think. The election was on Saturday.

9865. Some were taken there on the Saturday morning; on the night of Friday and Saturday?—I think not; perhaps there might be some. I do not know where all the voters were.

9866. Has Watson beds in the house? I do not mean for himself; does he let beds?—He has a very large hotel.

9867. Did you see the voters go off by the railway in the morning to Lisburn?—Yes.

9868. Did you go with them?—I did not.

9869. Did you see who provided them with their tickets?—I was not inside; the crowd was large; I did not go into the inside.

9870. Was there a largish party of Belfast men who accompanied them; ship carpenters?—There were ship carpenters, and foundry men from Mr. Coomb's foundry. Both parties were there.

9871. Ship carpenters?—There were parties that they told me were ship carpenters; but I did not know of my own knowledge.

9872. Were the voters guarded from Watson's hotel to the station by Belfast men?—I do not know.

9873. Were they accompanied? Of course there were people about the railway?—I do not know what they were.

9874. Did the ship carpenters go from Watson's hotel to the station with the Lisburn voters?—I could not answer.

9875. You say you saw the ship carpenters?—I saw men they said were ship carpenters.

9876. What were they doing?—Standing on the street.

9877. Do you not know that they went to Lisburn with the voters?—I do not know of my own knowledge; I heard it.

9878. Had the ship carpenters anything in their hands?—Nothing that I saw.

9879. No sticks?—I think there was no man had anything in his hand more than ordinary ways.

9880. By the *Committee.*] Did you see Samuel Young or William Graham the morning the men were going to Belfast?—I did not.

9881. You are quite sure of that?—I do not quite understand.

9882. Did you see Samuel Young or William Graham on the morning of the Saturday, when the voters were going from Watson's hotel to the station?—I did not.

9883. From the time Tumblety first came with these three men to your house until these men left Watson's hotel to go back to Lisburn, did you see any Lisburn men, or any Lisburn man, at Belfast, besides the voters themselves?—I could not answer that question. I may have seen them, but I do not recollect.

9884. Do you know William Graham?—Yes.

9885. Did you see him in Belfast?—I see him here now.

9886. Did you see him in Belfast?—No.

9887. Did you know him then?—I did not.

9888. Do

9888. Do you recollect whether you saw that man?—I recollect seeing him here.

9889. Do you recollect seeing Samuel Young, the spirit merchant of Lisburn?—Yes.

9890. Did you see him at Lisburn before the election?—I did not.

9891. On the day before the election?—I did not.

9892. Is Johnson the only man whom you applied to to see who was to pay the account of M'Ilwee?—The only man.

9893. Did you tell us who it was told you to apply to Johnson? How came you to apply to him?—I am daily there.

9894. How came you to apply to Mr. Johnson?—Because he was a Conservative, and belonged to the Conservative Society.

9295. You think that any member of the Conservative Society would have paid these bills?—I do not know what they would have done. I would have been very willing myself to help to pay them.

9296. You applied to Mr. Johnson, because he was a member of the Conservative Society?—Yes.

9897. Did you never inquire at Lisburn who was to pay for the keep of these men?—Never.

9898. Do you know Mr. David Beatty?—I do.

9899. Did you ever call upon him?—Never.

9900. You never went into his house?—I do not know where his house is.

Re-examined by Mr. *Cooke.*

9901. Did you ever get any authority or orders from Samuel Young, or William Graham, or David Beatty, to provide lodgings for these men at Belfast?—Never.

9902. Or did you ever apply to either of these persons for money to pay innkeepers' bills?—I never did.

9893. You spoke to Mr. Johnson on the subject, and he told you he would give you the money?—He told me not to be uneasy about it.

9994. By the *Committee.*] Did Johnson send any communication to you, to say that he would pay the bills?—Nothing, only words, of course, after the election was over.

9905. Did Johnson, in fact, send to you about M'Ilwee's bill, or did you go to Johnson?—I think I took M'Ilwee's bill to Johnson.

9906. Do you know a person in Belfast of the name of Davis?—Yes.

9907. What is he?—He is a Conservative agent, and he is a farrier.

9908. Does he keep a shop?—A farrier's shop.

9909. And he is a Conservative agent?—He is ward-secretary of the two wards. He looks after the removals, and the registration of voters.

9910. He looks up the registration?—Yes.

Mr. *Cooke* was heard to sum up the case of the Sitting Member.

[Adjourned to To-morrow at 11 o'clock.

Martis, 22° *die Martii*, 1864.

HUGH EDWARD ADAIR, Esq., in the Chair.

The names of the Members called over.

Present:—Mr. Adair, Mr. North, Mr. Forster, and Mr. Paull.

George Harrison, Esq., F.R.C.S., Examined by the *Chairman*.

G. Harrison, Esq.
22 March 1864.

9911. Is your name George Harrison?—Yes.

9912. Are you a Fellow of the Royal College of Surgeons, residing at 65, Grosvenor-street, Grosvenor-square, London?—Yes.

9913. Are you in professional attendance on Mr. William Stirling, a Member of this House, representing the county of Perth?—I am.

9914. Are you aware that he is a Member of this Election Committee?—I was, and am aware of it.

9915. Do you attend here to make any representation as to the state of that gentleman's health?—Yes, at his particular request.

9916. When did you last see Mr. Stirling?—About an hour ago.

9917. Will you state, if you please, in what state of health, in your opinion, he at that time was?—Quite ill, and in an unfit state for leaving his bed. He is quite incapable of quitting his bed, and is suffering very acutely from spasms of the lower part of the stomach.

9918. From his present state of health, do you think the Honourable Member will be able to attend the sittings of this Committee on Tuesday, the 5th April?—I think he will.

9919. He may not be?—I think he will.

[The Witness withdrew.

Some discussion took place between the Committee, and the Counsel for the petitioner and the Counsel for the Sitting Member, as to the course prescribed by the Act of the 11th and 12th Vict. cap. 98, under these circumstances.

The Committee continued to sit for an hour.

At 12.5 the Chairman announced that the Committee would now adjourn.

The *Chairman* was ordered to report the absence of Mr. Stirling to the House.

[Adjourned to Tuesday, the 5th of April, at 11 o'clock.

Martis, 5° *die Aprilis*, 1864.

HUGH EDWARD ADAIR, Esq., in the Chair.

Members present:—Mr. Adair, Mr. Paull, Mr. North, and Mr. Forster.

The *Chairman* stated that as all the Members of the Committee were not present the Committee would sit for an hour, and then adjourn, and report their proceedings to the House.

Mr. *Clerk* stated that he presumed the Committee had not the permission of the House to go on.

The *Chairman* replied that the course he had indicated was that which the Committee had been advised to pursue.

Mr. *Clerk* stated that he desired to say a few words on the question of adjournment.

The *Chairman* stated that it was the opinion of the Committee that Mr. Clerk could not now be heard.

The *Committee* continued to sit for an hour.

At 12.5 Mr. *Clerk* stated that he claimed the right to be heard before the Committee adjourned, as he understood that the House had allowed the excuse of the absent Member.

The *Chairman* stated that that was not the case, and that as the Committee had only power to meet for the purpose of adjournment, they could not transact business, or hear anything connected with the case.

[Adjourned to To-morrow at 11 o'clock.

Mercurii, 6° *die Aprilis*, 1864.

HUGH EDWARD ADAIR, Esq. in the Chair.

The Names of the Members were called over.— All present, except Mr. Stirling.

Mr. *Phinn*, Q. C., and Mr. *Clerk*, appeared as Counsel for the Petitioner.

Mr. *Phinn* applied, on the part of the Petitioner, to be heard on the question, whether the Committee had still jurisdiction in the matter of the Petition; and also that Mr. Clerk might be heard on the same side, notwithstanding the resolution the Committee had come to on the first day of meeting to hear only one Counsel on each side.

The *Chairman* stated that the Committee would hear any observations the Counsel for the Petitioner wished to address to them.

Mr. *Spofforth* stated that he appeared as one of the Agents for the Sitting Member, to state that the Sitting Member having been advised by Counsel that the Committee was no longer in existence (though he had no reason to suppose that its decision upon the Petition would not be in his favour, if any were come to), it was not his intention to appear further by Counsel; and that he (Mr. Spofforth) was only there to protest against any further proceeding on the part of the Committee in the matter.

Mr. *Phinn* was then heard to contend that, upon the true construction of sections 73 and 75 of the Act of the 11 and 12 Vict., c. 98, the Committee had pursued the proper course on the 22d March in adjourning until Tuesday, April 5th; and in reporting to the House on the previous evening (Monday, April 4) the absence of Mr. Stirling, one of its Members, on the 22d March, inasmuch as section 75 made it imperative upon them to report to the House the absence of a Member at its next sitting, and that until the Committee obtained the leave of the House to sit with only four Members they could not perform any valid act; and, consequently, they had not the power to meet on Monday, April 4, previous to the next sitting of the House, even for the purpose of adjourning till the following day. Their jurisdiction, therefore, under these circumstances remained unimpaired.

Mr. *Clerk* was heard to argue on the same side.

The room was cleared, and the Committee deliberated.

After some time Counsel and Agents were re-admitted.

The *Chairman* announced that the Committee had desired him to state that, in their opinion, they were not in a position to continue this inquiry.

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A.

Abduction or Detention of Voters:

I. *February* 1863 *Election:*

1. Generally as to the course pursued by the Verner Party.
2. Case of J. M. Backas.
3. Case of Arthur Gamble.
4. Case of John Golding.
5. Proceedings of the Barbour Party in regard to Voters at Hildon.

II. *June* 1863 *Election:*

1. Case of J. M. Backas.
2. Case of Arthur Gamble.

III. *Elections of* 1852 *and* 1857.

I. *February* 1863 *Election:*

1. Generally as to the course pursued by the Verner Party:

Mention of several persons who visited witness and the other voters of Mr. Verner, whilst staying at Redpath's house in Belfast, before the February election, 1863, *Johnston* 1134–1147——Statement to the effect that witness and the men who were with him at Redpath's, in Belfast, were all willing voters for Verner, and that the object of their being there was to keep out of the way, and to avoid being annoyed or tampered with by the opposite side, *ib.* 1414–1454. 1464–1466. 1494–1499——Further evidence as to the treatment of the voters in Redpath's house at Belfast, to the effect that they were not forcibly kept within doors, although they did not go from the house for ten days, *ib.* 1576–1615.

Circumstance of neither witness nor the other voters with him at Belfast, before the election in February, having left Weir's house during ten days; question whether there was any restriction upon their doing so, *Downey* 2162–2169. 2312–2317——Removal of witness and other voters to Watson's house at Belfast, on the Thursday before the election day (Saturday); they remained there till the morning of the polling, and were visited in the meantime by Mr. Graham, of Lisburn, *ib.* 2178–2204.

Whilst detained at Stephenson's house in Lisburn witness saw Mr. William Graham, Sam Young, and Redmund Jefferson there, *A. Gamble* 4107–4114. 4141–4143——Witness saw the voters leave Stephenson's in cars, but does not recollect their names, nor does he know where they went, *Allen* 4731–4749——Statement as to witness having spent the night before the polling at Bannister's, and as to there having been several other voters of Mr. Verner's there; he cannot now recollect any of them, *ib.* 4873–5006.

Statement to the effect that witness heard of some voters having been removed by Mr. Verner's party from Stephenson's public-house in Lisburn to a house in Belfast, and that he took no steps to have them brought back again, *J. Richardson* 5432–5462. 5485–5490. 5680–5693——Conclusion as to the necessity of protecting Mr. Verner's voters from the mob, by keeping them out of their reach, *ib.* 5574–5583. 5638–5645. 5670–5679.

Witness, who voted for Verner, went to Stephenson's public-house on the Saturday night before Mr. Verner came to Lisburn, and remained there, free of expense, with other voters, till the following Monday evening, *Stewart* 6120–6162——On leaving Stephenson's witness and some other voters went to Belfast, and stayed at a public-house there till the following day, free of charge, *ib.* 6172–6196——Both at Stephenson's and at Belfast the voters stopped willingly, *ib.* 6438–6440.

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Abduction or Detention of Voters—continued.

I. *February* 1863 *Election*—1. Generally as to the Course, &c.—*continued.*

Employment of numerous watchers to look after Mr. Verner's voters, and to prevent their being taken away, *Goudy* 6854 *et seq.*——Great crowd outside Stephenson's when certain voters were leaving, so that witness could not see who they were, *ib.* 6882-6886. 6955-6999——Circumstances under which witness went to Carrickfergus in February to look for a voter named Alexander Dowdy; he did not find him, *ib.* 6978-6985——Statement as to the removal of several voters from the town by Verner's people on the Monday preceding the day when Mr. Verner commenced his canvass, *Kennedy* 7186. 7191, 7192.

The men at the Vine Hotel, Belfast, in February, were not allowed to leave the house; instructions given to witness to prevent their doing so, another person also having been employed for the purpose, *Morley* 7887-7900. 7924-7935——Statement as to some of the men having left before the others; the last lot went away on a Friday, *ib.* 7936-7942——Names of several of the men, *ib.* 7943-7945——They had no change of clothes with them, *ib.* 7946——Witness applied to George Ingram for some payment for his trouble in looking after the men, and was referred by him to Alexander M'Cann, but did not get anything, *ib.* 7953-7963——Particulars as to the antecedents of witness, and as to his present position as butler to Captain Adair, near Belfast; refutation of imputations in respect of his past modes of employment, *ib.* 7988-8023. 8151-8165.

Further assertion in regard to the restrictions upon the liberty of the men at M'Ilwee's, *Morley* 8024 *et seq.*——A man of the name of Stewart, who was at the Vine Hotel, wanted to leave, but was prevented by witness, *ib.* 8045-8081——Witness is not aware of any money having been offered by any one in order to get some of the men away from the Vine Hotel; nothing was offered to witness to assist in doing so, *ib.* 8113-8132.

Examination as to witness having become cognisant of the removal of several of his voters from Lisburn to Belfast, before the election in February, and as to his not having made any particular inquiry into the matter, *Verner* 8462-8483——Witness was told that these men had left voluntarily, in order to avoid the violence of those on the other side, who were said to be trying to take them out of their houses, *ib.* 8478, 8479——Witness was not aware until quite recently that at either election any of his supporters had been removed to Weir's house in Belfast, *ib.* 8509-8520.

Witness keeps a public-house and posting establishment at Belfast, to which six men were brought from Lisburn some time in February 1863, and remained for eight or nine days, *M'Neilly* 8596-8603——The men might have left the house if they so wished, and their friends were admitted to see them, *ib.* 8604-8612.

Witness does not recollect having heard specifically that voters were for some days in Stephenson's house in Lisburn; he has had no account from Stephenson, *Waring* 8894-8903. 8982, 8983——It reached witness's ears during the February election that voters of Mr. Verner were in houses in Lisburn and Belfast; but he made no inquiry about the matter, and has not received any claims for their care or maintenance, *ib.* 8898-8913. 8948-8988.

Further examination upon the subject of witness's knowledge at the time of the election in regard to the removal of Verner's voters to Belfast and of Barbour's voters to Hildon, *Waring* 9220-9291. 9309-9318. 9348-9372——Absence of any communication between Mr. Verner and witness relative to the voters under protection in Belfast, *ib.* 9236-9243.

Statement that the Lisburn men in the Vine Hotel, Belfast, in February, were not restrained from leaving, and could move about as they pleased, *Eliz. M'Ilwee* 9410-9428. 9455-9461——Witness keeps the Vine Hotel at Belfast, and had some Lisburn voters staying there for ten or twelve days before the February election, *Robert M'Ilwee* 9474-9477——George Ingram had previously apprised witness of the coming of the voters, *ib.* 9478-9481——Witness never instructed George Morley to prevent the voters from leaving the house, and states that not only was there no restraint upon them, but that they remained there quite contentedly, *ib.* 9482-9487, 9545-9552, 9562 *et seq.*

Evidence as to efforts having been made by some of Barbour's party to get at the voters, and as to a person of the name of Watson having offered witness 150 *l.* to allow him to have access to the rooms where they were, *Robert M'Ilwee*, 9497 *et seq.* 9686——Steps taken for preventing Barbour's people from communicating with the voters; dread entertained of their being taken away by the Barbourites, *ib.* 9562-9602. 9646-9683.

Witness, who is an innkeeper in Belfast, takes a strong interest on the Conservative side, *Ingram* 9733-9735——He made arrangements for the reception of voters from Lisburn at several houses in Belfast before the election of February 1863; they were first brought on cars to witness's house, but he could not accommodate them, *ib.* 9739-9743. 9754-9790——He denies that any of these men were detained in the houses against their will, *ib.* 9744-9746——Arrangements were made for removing the men to Watson's Hotel, Belfast, on the day before the polling, and for sending them on to

Lisburn

Report, 1864—*continued.*

ABDUCTION OR DETENTION OF VOTERS—continued.

I. *February* 1863 *Election*—1. Generally as to the Course, &c.—*continued.*

Lisburn, *Ingram* 9750. 9857-9882——Statement as to witness having received no previous instructions before the arrival of these voters, nor was he given any directions about them subsequently, *ib.* 9762-9782. 9791-9828.

2. Case of J. M. Backas:

Details as to witness having left Derry for Belfast some days before the February election, and having stayed with several other voters in Redpath's house there, *J. M. Backas* 78 *et seq.*——Particulars as to witness and the other voters who were with him in the hotel at Belfast before the February election not having been allowed to leave the house or the room, *ib.* 505-538.

Circumstances under which witness and Backas left Derry for Belfast, about ten days before the election, and stayed at Redpath's house there with about a dozen voters, until the polling day; names of some of these voters, *Johnston* 991-1057. 1121-1133—— Nature of some conversation between witness and Edward Johnston, about a voter named Backas, who was brought from Derry, *J. Richardson* 5497-5520.

3. Case of Arthur Gamble;

Statement as to witness, who is a voter of Lisburn, having been taken by James Allen to Stephenson's public house, at Lisburn, a fortnight before the election, in February 1863, and having been detained there, with twelve other voters, for two days and nights, *A. Gamble* 3436-3528——Removal of witness and the other voters from Stephenson's to the Vine Hotel, in Belfast, on the Monday week before the election, during which time he was detained there against his will, *ib.* 3532-3571——Particulars as to witness and the other voters having been taken from Belfast to Lisburn, on the polling morning, to vote for Mr. Verner, *ib.* 3572-3614.

Evidence as to witness having been taken by George Wilson to the Hertford Arms, before the June election, and as to Wilson having used him very roughly there, and tried to prevent his leaving; witness denies that he himself was unwilling to leave, or that he was drunk on this occasion, *A. Gamble* 3741-3761. 3795-3819——Further statement as to witness having been detained at Stephenson's against his will, *ib.* 3887-3915. 3949-3992 ——Statement as to witness having been forced into a car, in order to go from Stephenson's to Belfast, *ib.* 3916-3937——Witness further asserts that he was forcibly detained in the hotel at Belfast before the election, *ib.* 3948-3980——Inducements held out to witness at Stephenson's, so that he was after a time content to stay there, *ib.* 3983-3992. 4141-4151.

Examination as to witness's husband having been taken to Stephenson's public house in Lisburn some time before the February election, and afterwards removed thence to Belfast, by some supporters of Mr. Verner; steps taken by witness to get him home from Stephenson's, but without effect, *C. Gamble* 4152-4209. 4278-4300——Disinclination evinced by her husband to return home with her from Stephenson's, in February, *ib.* 4278-4300.

Arthur Gamble never appeared to wish to leave either Stephenson's house, or the house where he stayed at Belfast, *W. Stewart* 6441-6450——With regard to the witness Gamble, he was in a drunken state one evening at the Hertford Arms; Mr. George Wilson did not behave roughly towards him, *M. Lennan* 7831-7844——Arthur Gamble was one of those who wished to get away when at the Vine Hotel, in February, but was prevented, *Morley* 8045. 8100-8109.

4. Case of John Golding:

Statement as to a voter at the February 1863 election having been prevented from leaving Redpath's house, in Belfast, where several voters had been removed from Lisburn some days before the election; belief that his name was Golding, *J. M. Backas* 126-140.

Explanation as to witness and others having on one occasion prevented a voter named Golding leaving his room at Belfast, on account of his being in a drunken and violent state at the time, *Johnston* 1113-1120.

Witness voted for Mr. Verner in February and June; he never promised to vote for Barbour, *Golding* 9687-9692. 9718-9720——States that some time before the election he went to Redpath's house, in Belfast, in order to be out of the way of Barbour's people, and that there was no restraint upon his movements there, except one night when he had had too much to drink, *ib.* 9689. 9693 *et seq.*

5. Proceedings of the Barbour Party in regard to Voters at Hildon:

Statement as to witness's husband having been for eleven days from home (at Hildon) before the election, in order to be out of the way of Verner's people; other persons also with him at Hildon, *Mrs. Miller* 2506-2578. 2584-2615——On the Thursday before the polling day, witness's husband, and other voters of Mr. Barbour, came from Hildon to

Report, 1864—*continued.*

Abduction or Detention of Voters—continued.

I. *February* 1863 *Election*—5. Proceedings of the Barbour, &c.—*continued.*

Lisburn, and her husband returned home an hour or two after the polling on Saturday, *Mrs. Miller* 2616–2635.

Witness stayed at Hildon for about nine days before the election, intending to vote for Barbour, *J. Orr* 2962–2964——Examination as to the circumstances under which witness went to Hildon, and stayed there for several days before the polling; there were several other voters there, *ib.* 3011–3024. 3078–3082. 3090, 3091.

Absence of witness's husband, John Orr, from home several days preceding the election in February 1863, *Agnes Orr* 3135–3139——Willingness of witness to have taken 50 *l.* or 25 *l.* for her husband's vote for Verner; obstacle through his being away at Hildon with Barbour's party, *ib.* 3316 *et seq.*

Mr. Verner and Mr. Beatty came to witness's house several times before the February election to ask her husband for his vote, but he was not at home, *Mary J. Turtle* 4359–4381——Her husband was at Barbour's for several days before the election, but he was not locked up there, *ib.* 4432–4437. 4451–4455.

Removal of several voters to Mr. Barbour's premises at Hildon, where they were confined and were protected by a body of men; this was not till after voters had been removed by the opposite party, *Kennedy* 7193–7197. 7287–7293. 7302–7311. 7319, 7320 —— Some of the voters at Hildon had previously voted for Mr. Richardson, of Lanbeg, who was a Liberal-Conservative, but none were sent there unless they were supposed to be in Mr. Barbour's interest, *ib.* 7198–7204. 7276–7284——Witness is not aware of any application by any of the voters at Hildon to be allowed to leave the place, *ib.* 7205–7207 —— Witness has heard of attempts to get some of Mr. Verner's voters out of houses, but cannot speak to the fact, *ib.* 7228.

Instance of a voter who came to witness and wished to be sent to Hildon, out of the way of Verner's people; this was the only application of the kind made to witness, *Kennedy* 7276–7282. 7309, 7310——The voters at Hildon went there partly of their own will and partly were "coaxed," *ib.* 7310——They left Hildon for the committee rooms at Mr. Creight's on the evening before the polling, and stayed there during the night, *ib.* 7311–7318.

Witness went to Hildon about a week before the election, in order to be out of the way of Verner's people, and on the night before the polling, returned to Lisburn, and went to the Queen's Arms Hotel, *Crawford* 8237–8242.

Witness heard that voters were taken to Barbour's factory at Hildon, who probably would not otherwise have supported Barbour, *Verner* 8560–8565——Witness saw one voter being driven off to Hildon by Henry Major, which voter had promised witness his support the day before, *ib.* 8561.

II. *June* 1863 *Election:*

1. Case of J. M. Backas:

Some days before the June election, witness went from Derry to Belfast, and stayed with a person by the name of Kennedy until the day before the election, when he went to Lisburn with Kennedy, to an hotel there, and subsequently voted for Richardson, *J. M. Backas*, 277–285——Witness was with Kennedy at Belfast for a week or ten days before the election; cross-examination as to the cause of this stay, *ib.* 291–298. 347–387.

2. Case of Arthur Gamble:

Examination as to witness and some other voters having been at Conolly's house in Belfast for three days before the June election, when they voted for Richardson; he was a free agent there, *A. Gamble* 3993–4015. 4026–4039——Absence of witness's husband from home for two or three days in June; she less objected on this occasion to his being away, as she wished him to vote for Barbour, and he was staying at Conolly's for the purpose, *C. Gamble* 4301–4324.

III. *Elections of* 1852 *and* 1857:

Examination as to the voters having been placed in houses for protection at the elections of 1857 and 1852, and as to the extent to which witness was cognisant of the matter, *Waring* 8914–8947.

See *also Alister —. Car-hire. Expenditure. Friars, James. Johnson, William John. Munce, Robert. Parkes —. Riots. Watchmen.*

Accounts (*Election Expenses*). Production of certain papers and accounts sent to witness as returning officer at the June 1863 election, by Mr. Irwin, agent for Mr. Verner, *Bottomley* 865–871—— Statement as to there having been only one item of expenditure (the payment to the sheriff) in the account sent in to witness in June by Mr. Richardson, *ib.* 883–885. 917–923.

Report, 1864—*continued.*

Accounts (*Election Expenses*)—continued.

As having been election auditor in February 1863, witnesses produces certain accounts which were handed to him by one of Mr. Verner's agents, *Stephenson* 2331-2349——Statement that the accounts in February were rendered to witness by Mr. Lucas Waring, and not by Mr. Irwin, although the latter was the only gentleman appointed under the statute as the agent for election expenses, *ib.* 2334-2344.

At the February election, all the work was done for witness by Mr. Lucas Waring, who paid the money and forwarded the accounts to the auditor, without witness seeing them at all, although he was the appointed agent of Mr. Verner for election expenses, *Irwin* 5848-5856. 5908-5919——In June the accounts were duly signed and returned by witness, but Mr. Waring assisted him in their preparation, *ib.* 5916-5918.

Explanation as to witness, instead of Mr. Irwin, having made the payments returned to the election auditor for the February election, *Waring* 8753-8760——Witness delivered to the election auditor all the accounts that he had paid at the time; he has since paid three others, which he produces, *ib.* 9057-9061. 9157-9167——Delay on the part of witness in returning some vouchers to the election auditor after the February election, *ib.* 9392-9397.

Witness has been served with a notice to produce any accounts or books kept by him, but has none to produce relative to the elections in February and June 1863, *Stephenson* 7845-7847; *Tumblety* 7848-7850; *R. M'Ilwee* 7851, 7852; *M'Neilly* 7853, 7854. 8632-8638. 8658-8665; *Watson* 7855, 7856; *Weir* 7857, 7858; *Redpath* 7859-7863; *Ingram* 7864-7866; *Elizabeth M'Ilwee* 8166, 8167——Witness does not keep any books; kept an account at the time of the February election, but has parted with it since, *Redpath* 7859-7863.

Statement to the effect that accounts were kept by Mr. and Mrs. M'Ilwee, of expenditure in respect of voters in their house in February, *Morley* 7874-7876. 7947-7949——Explanation in regard to the non-production by witness of the accounts of the Vine Hotel, *Elizabeth M'Ilwee* 9435-9473——The account kept by witness relative to the voters in his house in February, was left with Mr. W. J. Johnson of Belfast, *Robert M'Ilwee* 9533-9541. 9553-9561. 9605-9607.

See also *Expenditure.*

Act 11 & 12 *Vict. c.* 98. Adjournment of the Committee under the provisions of this Act, in consequence of the absence of one of its Members (Mr. Stirling), *Ev. p.* 208——Decision finally arrived at by the Committee, that they are not in a position to continue the inquiry, *ib.* 209.

See also *Stirling, Mr.*

Adjournment of the Committee. Course pursued in the adjournment of the Committee on 22d March and 5th April, in consequence of the absence of one of its Members (Mr. Stirling), *Ev. p.* 208——Discontinuance of the inquiry through the prolonged absence of one of the Members of the Committee, *ib.* 209.

See also *Stirling, Mr.*

Agents. Statement as to Mr. Verner and witness having called at Mr. Lucas Waring's office on the first day of Mr. Verner's canvass in Lisburn in February, *J. Richardson* 5210-5220——On arriving in Lisburn on the 10th February, witness did not call upon Mr. Lucas Waring (subsequently one of his agents) before going to the Hertford Arms, *Verner* 8277.

Mr. Lucas Waring and Mr. Moore were witness's managing agents in February, the latter having mainly transacted the business, *Verner* 8341-8343——In June, as in February, Mr. Waring and Mr. Moore were witness's chief agents, but there were other legal gentlemen to assist in the books, &c., *ib.* 8356-8362.

Further statement to the effect that witness did not go to Mr. Waring's, and was not introduced to him until after he had been to the Hertford Arms on the 10th February, *Verner* 8413-8417. 8422-8426——Witness has not received any account of what is due to Mr. Waring for his professional services; there was no arrangement on this point, *ib.* 8490-8496.

Witness, who is a solicitor at Lisburn, acted on the part of Mr. Verner at the elections in February and June 1863, *Waring* 8672-8677——In February witness was not engaged to act for Mr. Verner until the evening of Wednesday the 11th, *ib.* 8678-8684——It was arranged that Mr. Moore, of Dublin, should be the conducting agent in February, and that witness should act in concert with him, *ib.* 8685-8696——Denial that certain individuals were in any way employed to act on the part of Mr. Verner, *ib.* 8717-8723.

Absence of witness occasionally at Belfast on the business of the election in February, *Waring,* 8729-8742——In June witness paid some of the bills, and assisted Mr. Verner in paying the others, *ib.* 8752——Witness never heard anything about Mr. Verner

Agents—continued.

coming forward, until the 10th February, on which day he was in Dublin and heard it there, *Waring* 8761-8772——Witness's first introduction to Mr. Moore was at the February election, *ib.* 8783-8789.

Explanation as to witness's charges in February having been only six guineas, whilst in June they were 92 *l.* 6 *s.* 2 *d*; he was only an ordinary agent on the former occasion, but was conducting agent in June, *Waring* 8801-8824. 9183-9189. 9383-9389——The legal fees as conducting agent are 92 *l.* 6 *s.* 2 *d.*, *ib.* 8812-8818. 9183-9189.

Further examination on the circumstance of witness having been sometimes in Belfast on business in connexion with the election; question as to his having had communication with different individuals there, *Waring* 8989-9026. 9104-9134. 9208-9214. 9284-9291. 9348-9372——Inaccuracy of a certain statement in regard to Mr. Verner and Mr. Richardson of Glenmore calling upon witness on the day of Mr. Verner's arrival, *ib.* 9278-9283——With regard to the June election, witness repeats that as conducting agent he was duly entitled to the fees of 92 *l.*, but Mr. Moore was not returned as an agent, and was not entitled to any fee, *ib.* 9383-9391.

See also *Abduction or Detention of Voters. Agents for Election Expenses. Beattie, David. Bribery. Committee, and Committee Rooms (Mr. Verner). Jefferson, Redmund. Legal Committee. Moore, John Hamilton. Young, Samuel.*

Agents for Election Expenses. Explanation as to there having been no agent for election expenses appointed on the part of Mr. Richardson in June, *Bottomley* 872-882.

Witness was Mr. Verner's agent for election expenses in February and June 1863, *Irwin* 5844-5848—— The work at the February election was really done for witness by Mr. Lucas Waring, who made the payments, and forwarded the accounts to the election auditor, *ib.* 5848-5856· 5908-5919——In June the accounts were signed and returned by witness to the election auditor, *ib.* 5916-5918.

Alister —. Examination relative to a value named Alister, in the employment of Mr. Richardson, the petitioner, who was kept at the Hertford Arms, and afterwards sent somewhere else, in order to be out of the way of Barbour's people, so that he might be free to vote for Mr. Verner; explanation of the part taken by witness in connexion with this matter, *J. Richardson* 5299 5366. 5612-5619——Letter from witness to the petitioner relative to the voter, Alister, produced by counsel for the petition, *ib.* 5346——In writing this letter witness intended it as confidential, *ib.* 5348, 5349. 5612-5618.

Statement as to the young man, Alister, who was in witness's employment, having left his work one evening, and having eventually voted for Mr. Verner, *J. J. Richardson* 7392-7405——Explanation in regard to the production of the letter received by witness from Mr. Richardson, of Glenmore, *ib.* 7516-7518.

Allen, James. (Analysis of his Evidence.)—Is a boot and shoemaker at Lisburn, 4456, 4457——Saw Arthur Gamble at Stephenson's public-house some time before the election in February 1863; 4458-4476——Does not recollect that he went to Stephenson's for any particular purpose, beyond that of seeing Mrs. Stephenson or his brother-in-law, Robert Munce; nor does he recollect the names of the persons whom he saw at Stephenson's, 4466-4528. 4605 *et seq.*——He spoke to Gamble about his vote and asked him to go to Stephenson's, because Munce requested him to do so; otherwise he denies having had anything to do with the election, 4522 *et seq.*

Witness saw the voters leave Stephenson's in cars, but does not recollect their names, nor does he know where they went, 4731-4749——He gave Gamble's wife 1 *l.* after the election, because she was badly off; did not say anything when he gave her the money, 4758-4802—— He voted for Mr. Verner, 4807——Mr. Barbour had canvassed him for his vote, 4808. 4872.

Witness was in and out of the Hertford Arms several times before the election, but does not recollect having been there on the polling day; he cannot remember the names of Mr. Verner's supporters whom he saw there, 4809-4871——He was at Bannister's public-house on the night before the election, in order to be near the polling-place, and saw several voters there, but cannot bring to mind the names of any of them, 4873-4936.

[Second Examination.]—Further statement as to witness having spent the night before the polling at Bannister's, and as to there having been several other voters there, although he repeats that he cannot recollect any of them, 4937-5006——Supply of drink to witness and the others at Bannister's; he does not know who ordered or paid for it, 4949-4957——Denial by witness that he has held any conversation about his evidence since he has been in London, 5007-5014.

Further examination as to the circumstances under which witness gave 1 *l.* to Mrs. Gamble; he gave it out of his own pocket, and has never asked any one for it, 5015 *et seq.*——Further explanation as to witness having asked Gamble to vote for Verner,

and

Report, 1864—*continued.*

Allen, James. (Analysis of his Evidence)—*continued.*

and having asked him to go to Stephenson's, because Munce told him to do so, 5097–5131. 5145-5148.

Arundell, C. M. Interest taken in Mr. Verner's cause by Mr. C. M. Arundell, a wine merchant of Belfast, *J. Richardson* 5246–5251.

B.

Backas, Edwin. (Analysis of his Evidence.)—Is a younger brother of the witness, John Backas; lives with him at Londonderry, 619–622——States that before the election for Lisburn in February 1863, a person of the name of Johnston gave him 10 *s.* to ask his brother to vote for Verner, and also gave him 4 *l.* to pay for clothes for himself and his brother, 623 *et seq.*; 858-861——At the time of the June election, Johnson again came to Derry to ask witness's brother for his vote, and a neighbour, Hart Kerr, brought in 3 *l.* to him, but witness took it back again at the request of his brother, 681-697.

Before coming over to London witness got three guineas, and his brother four guineas to pay their expenses; there was no promise of any more, 777–783. 827-846——Examination to the effect that witness's brother did not tell him what he was to say before the Committee, 784–826——Witness's brother, although a voter, is only about nineteen years of age, 855–857.

Backas, John Martin. (Analysis of his Evidence.)—Is an umbrella maker at Londonderry; has a vote for Lisburn, 10–14——Voted for Verner at the February, 1863, election, and for Richardson at the June election, 15, 16——Was promised a suit of clothes, and 30 *l.* by Edward Johnston of Lisburn, if he would vote for Verner at the February election, 17–48——Was provided with the clothes, without paying for them, previously to going to Belfast with Johnston and other voters before the February election came on, 55–76——Was at Belfast with several other voters for eight days before the election, during which time all his expenses were paid, 78–123——Whilst at the hotel at Belfast, one of the voters tried to leave his room, but was not allowed, 126–140.

Mention of several other voters, who together with witness recorded their votes for Verner in February, after first going to the tally-room, where they remained till they went up to the poll, 141–173.——Circumstances under which witness received 5 *l.* from Edward Johnston a few days after the election; Johnston said he would get the rest for him as soon as he could, meaning the balance of the 30 *l.*; 174–215——Letter written by witness to Johnston, dated Derry, 11th April 1863, requesting some more cash from him on account of his vote; letter in reply from Johnston, 216-230——Witness also wrote to Mr. David Beatty, after the February election, with reference to the money for his vote; letter in reply from Mr. Beatty, 234–240.

Particulars as to Edward Johnston having held out promises to witness if he would vote for Mr. Verner at the June election, and as to witness having resisted such promises, 251–276——On this occasion a man named Hart Kerr brought 3 *l.* to witness, but he sent it back to him again, 266-275. 500, 501——Some days before the June election, witness went from Derry to Belfast, and stayed with a person of the name of Kennedy until the day before the election, when he went to Lisburn with Kennedy, to an hotel there, 277–285.

At the June election witness voted for Richardson, 290——He was with Kennedy at Belfast for a week or ten days before the election; cross-examination as to the cause of this stay, 291–298. 347-387——His expenses at the hotel in Lisburn were paid by Kennedy, but he paid his own travelling expenses from Londonderry to Lisburn, 304–346——He denies that he was ever promised or given any money by Kennedy, or any one else, on account of his voting for Richardson, 383–424.

Further statement as to witness having got a suit of clothes and 5 *l.* for his vote at the February election; his brother also got 10 *s.*; 425-440——Conversation in August between witness and a man named Thompson, to whom he owed 5 *s.*, but was unable to pay it; reference made on this occasion to the question of his having got some money at the election, 442–459. 486-499——Statement that not only Johnston but a man named Ingram asked witness to vote for Verner in June, and said it would be all made right for him afterwards, 476–485.

Witness further denies that he received or was promised any money in connexion with his vote for Richardson at the June election, 496–504. 611–616—— Particulars at to witness, and the other voters who were with him in the hotel at Belfast before the February election, not having been allowed to leave the house or room, 505–538——Explanation as to the source whence witness obtained the money in order to pay his own travelling expenses at the June election, 539–578. 617——After the February election, witness wrote two or three letters to Johnston, asking for the balance unpaid of the 30 *l.*; each

Report, 1864—*continued.*

Backas, John Martin. (Analysis of his Evidence)—*continued.*

letter was answered, 579-595——Further statement as to witness's expenses at Lisburn at the June election having been paid by others, 596-612.

Balmer, Eliza. (Analysis of her Evidence.)—Examination to the effect that witness's husband was promised 30 *l.* if he would vote for Verner at the February election, 1863, and that 10 *l.* was given to witness beforehand by Henry Dickey, 1956 *et seq.*——Return of the same amount to Dickey, witness's husband, having eventually voted for Barbour; explanation as to the actual 10 *l.* received not having been returned, 2002-2020——Doubt as to the sum received by witness's husband for voting for Barbour; Mr. Gwynne had seen him on the subject before the election, 2023-2034.

Balmer, Joseph. (Analysis of his Evidence.)—Elector of Lisburn; voted in February 1863 for Barbour, and in June for Richardson, 1774-1776——States that at different times before the February election he was promised 10 *l.* down, and 20 *l.* after the election, if he would vote for Verner; the persons who made this promise were Henry Dickey, Samuel Young, and Redmond Jefferson, 1777 *et seq.*——The promised 10 *l.* was given to witness's wife by Dickey three or four days before the election, Young having been aware that it was given, 1842-1880.

Statement of the circumstances under which witness, having voted for Barbour, subsequently returned 10 *l.* to Dickey; source whence he obtained the money 1881-1926——Particulars as to witness having received 40 *l.* for voting for Barbour; this was promised him by Mr. Gwynne, and he received part of it from Sam M'Connell, 1915-1955——Denial by witness that he was promised, or that he has received anything for voting for Richardson in June 1932-1937.

Barbour, Mr. Early in January Mr. Barbour declared his intention of coming forward at the election then ensuing, *J. Richardson* 5169.

Neither witness nor Sir William Verner subscribed to, nor had anything to do with, the petition against the return of Mr. Barbour; its presentation was a complete surprise to witness, *Verner* 8383-8385. 8502-8504. 8530. 8566——The first time witness heard of the petition was when it was presented in the House of Commons, *ib.* 8383-8385. 8566.

Conduct of the petition against Mr. Barbour by aid of subscriptions amongst the Conservative party at Lisburn; witness subscribed 40 *l.*, *Waring* 9197-9201. 9313-9317.

See also *Abduction or Detention of Voters*, I. 5. *Bribery* I. 2, II. *Petition.*

Bateson, Mr. Mr. Bateson was invited to appear on the Conservative interest at the February, 1863, election, and came to Lisburn, but retired about the 19th January, *J. Richardson* 5170-5183——On first coming to Lisburn witness was aware that Mr. Bateson had been a candidate, and had retired, *Verner* 8402-8409.

Part taken by witness on behalf of Mr. Bateson before Mr. Verner came forward; he was engaged as his solicitor, and went about with him when canvassing, *Waring* 8773-8782——Retaining fee of 10 *l.* received by witness for his services when Mr. Bateson was at Lisburn, *ib.* 8824-8831.

Beatty, David. Communication between witness and Mr. David Beatty, after the February election, upon the subject of the payment of witness for having voted for Verner, *J. M. Backas* 234-240——Witness saw Mr. David Beatty with Mr. Verner, when canvassing, in February, *Mrs. Miller*, 2404-2410; *Margaret Miller* 2667, 2668. 2841, 2842; *J. Orr* 2955-2957——Conversation between Mr. Beatty and witness before the election in February, upon the subject of something being given for her husband's vote, if he polled for Verner; witness asked 50 *l.*, *Agnes Orr* 3140-3200. 3409-3419——Statement as to Mr. Beatty (Mr. Verner being present) having held out promises to witness in June, if he would then vote for Verner, *A. Gamble* 3646-3687. 4043-4069. 4076-4106. 4132-4135.

Witness has known Mr. David Beatty, of Lisburn, as an old and kind friend for many years, *Elizabeth Stewart* 6591, 6592. 6595——Examination upon the circumstance of witness having received 4 *l.* from Mr. Beatty subsequently to the June election; denial that it was given in reference to her husband's vote, *ib.* 6596 *et seq.*

Statement as to Mr. Beatty having spoken of Mr. Verner's committee, and as to witness having seen Mr. Moore and others in the room where this was said, *J. J. Richardson* 7345-7363. 7519-7525. 7615-7624.

Witness never heard the wife of a voter ask Mr. Beatty 50 *l.* for her husband's vote, and never heard Mr. Beatty make an offer to any voter in respect of his vote, *Verner* 8300-8315. 8448-8450——Neither Mr. Beatty nor witness ever offered any money to Arthur Gamble for his vote in June, *ib.* 8326-8337——Statement that Mr. David Beatty was not employed by witness in any capacity at the February election, *ib.* 8363——Instance of a display of violence to Mr. Beatty during the canvass, *ib.* 8531-8537.

Mr. David Beatty was not the treasurer of any fund, and was not assigned any duty in the conduct of the February election, *Waring* 8697-8699.

See also *Bribery*, I. 5.

Report, 1864—*continued.*

Belfast (*Abduction of Voters*). See *Abduction or Detention of Voters.*

Bludgeons. Explanation as to witness having made representations to Mr. Orme and to Mr. J. J. Richardson (the petitioner), both magistrates, relative to some bludgeons for use by Barbour's people; they said they could do nothing in the matter, *J. Richardson* 5569–5572.

Witness knows nothing of the arming of a body of butchers with bludgeons, but heard there were armed men at Barbour's premises at Hildon, where a number of voters had been removed, *Kennedy* 7285, 7286, 7302–7304.

Application made to Mr. Orme by Mr. Beattie, witness being present, for a search-warrant with regard to some bludgeons said to have been made in large numbers at Hildon for the Barbour party; grounds upon which this application was not acceded to, *J. J. Richardson* 7364–7375. 7492–7495. 7508–7515——Seizure of some half-dozen bludgeons by the police during the election time, *ib.* 7376–7378. 7496–7507. 7567–7572——Further explanation as to Mr. Orme and witness not having acceded to the application relative to the bludgeons, *ib.* 7650–7652.

See also *Riots.*

Books or Accounts (*Election Expenditure*). Witness has been served with a notice to produce books and accounts relative to the elections in February and June 1863, but has none to produce, *Stephenson* 7845–7847; *Tumblety* 7848–7850; *R. M'Ilwee* 7851, 7852; *M'Neilly* 7853, 7854; *Watson* 7855, 7856; *Weir* 7857, 7858; *Redpath* 7859–7863; *Ingram* 7864–7866; *Elizabeth M'Ilwee* 8166, 8167——Books are not kept at witness's house; he kept an account relative to the voters there in February, but has it not now, *Redpath* 7859–7863.

Books were kept in Mr. M'Ilwee's house, the Vine Hotel, Belfast, at the time of the election in February, *Morley* 7874–7876——Witness saw Mr. and Mrs. M'Ilwee entering items down in an account book, *ib.* 7875, 7876. 7947–7949.

Statement as to the items of charge in respect of voters at witness's house not having been entered in a book, but only on a slip of paper, *M'Neilly* 8632–8638. 8658–8665——Statement as to witness not having brought to London the books of the Vine Hotel, although served with a notice to do so; there is nothing in them relating to the Lisburn voters, *Elizabeth M'Ilwee* 9435–9473——The charges for the voters were entered in a small pass-book, which witness has since left in the office of Mr. Johnson at Belfast, *Robert M'Ilwee* 9533–9541. 9553–9561. 9605–9607——A small account book and a receipt, were given by M'Ilwee to witness, who gave them to Mr. W. J. Johnson, of Belfast, *Ingram* 9837–9843.

Boomer, Kenny. Statement as to witness, on the part of Mr. Barbour, having canvassed a voter named Kenny Boomer in February, who said that Mr. Jefferson had offered 25 *l.* for his vote for Verner, *Kennedy* 7071–7082——Jefferson subsequently told witness that he offered Boomer only 15 *l.* for his vote for Verner, and that Boomer told him that witness had offered 25 *l.* for his vote for Barbour, *ib.* 7082–7084.

Arrangements entered into between Jefferson and witness that neither should pay Boomer anything, *Kennedy* 7089——It was agreed that if Boomer voted for Barbour, witness should neutralise his vote by polling for Verner, and if for Verner, then that Jefferson should vote for Barbour, *ib.* 7090–7093——Disagreement on the polling morning between Jefferson and witness about the foregoing arrangement, on account of the former having said he would vote at ten o'clock for Verner, *ib.* 7094–7102——Statement as to Mr. Richardson of the Island having been made aware of the arrangement about Boomer, *ib.* 7103–7117.

The conversation between Jefferson and witness about Boomer's vote was three or four days before the election, *Kennedy* 7125–7141——Eventually Boomer did not vote at all, *ib.* 7139——Witness denies having offered Boomer any money for his vote, *ib.* 7142–7149. 7165–7167——Boomer said he would not vote under 25 *l.*, and offered witness the preference at the price, *ib.* 7142–7149. 7173, 7174.

Object of the compact with Jefferson to punish Boomer, because he had been putting Jefferson and witness against each other with regard to price, *Kennedy* 7149–7159——Witness repeats that Jefferson admitted to him that he (Jefferson) had offered 15 *l.* for Boomer's vote, *ib.* 7160–7164——Presence of Samuel Young when the compact in question was made, *ib.* 7177–7182.

Circumstances under which the arrangement between Mr. Jefferson and Mr. Kennedy as to the voter Boomer, was referred to witness on the following day, *J. J. Richardson* 7406–7415.

Bottomley, Henry H. (Analysis of his Evidence.)—Sub-sheriff for the county of Antrim; acted as returning officer at the Lisburn elections of February and June 1863; 862–864——Produces sundry papers and accounts sent to him by Mr. Verner's election agent, Mr. Cromlin Irwin, showing the expenses paid by Mr. Verner, in connexion with the June election, 865–871——Statement as to Mr. Richardson not having been nominated in June

Report, 1864—*continued.*

Bottomley, Henry H. (Analysis of his Evidence)—*continued.*

till the day of polling, so that he had no election agent; he was then nominated by a nomination in writing by two electors, and by the same two electors verbally, 872-882. 908-916——There was only one item in the account of Mr. Richardson's expenses, viz, the payment to the sheriff, 883-885. 917-923——The polling (in June) was exclusively for Verner for some time after the poll opened, 892-607.

Bradley, William George. (Analysis of his Evidence.)—Testimony as to the long and serious illness of Mr. James Hamilton Moore, of Dublin; certificate of Dr. Mayne to this effect, 8586-8595.

BRIBERY:

I. *Evidence as to particular cases of Bribery, or of attempted Bribery.*

1. Case of J. M. Backas.
2. Case of Joseph Balmer.
3. Case of James Crawford.
4. Case of Alexander Downey.
5. Case of Arthur Gamble.
6. Case of David M'Night.
7. Case of Robert Miller.
8. Case of John Orr.
9. Case of William Stewart.

II. *Generally as to the Practice, or the Sanction, of Bribery by the Opposing Parties.*

I. *Evidence as to particular Cases of Bribery, or of attempted Bribery:*

1. Case of J. M. Backas:

Witness voted for Verner at the February, 1863, election, and for Richardson at the June election, *J. M. Backas* 15, 16——Was promised a suit of clothes and 30 *l.* by Edward Johnston, of Lisburn, if he would vote for Verner at the February election, *ib.* 17-48——Was provided with the clothes without paying for them, previously to going from Derry to Belfast with Johnston, before the February election came on, *ib.* 55-76——Circumstances under which witness received 5 *l.* from Edward Johnston a few days after the election; Johnston said he would get the rest for him as soon as he could, meaning the balance of the 30 *l.*, *ib.* 174-215——Letter written by witness to Johnston, dated Derry, 11th April 1863, requesting some more cash from him on account of his vote; letters in reply from Johnston, *ib.* 216-230.

Witness produces a letter received by him from the witness of J. M. Backas, in April 1863; has not got any other letters to produce, *Johnston* 222-232.

Witness also wrote to Mr. David Beattie, after the February election, with reference to the money for his vote; letter in reply from Mr. Beattie, *J. M. Backas* 234-240——Particulars as to Edward Johnston having held out promises to witness if he would vote for Mr. Verner at the June election, and as to witness having resisted such promises, *ib.* 251-276——Upon this occasion, a man named Hart Kerr, brought 3 *l.* to witness, but he sent it back to him again, *ib.* 266-275. 500, 501——At the June election witness voted for Richardson, *ib.* 290——Witness denies that he was ever promised, or given any money by Kennedy, or any one else, on account of his voting for Richardson in June, *ib.* 383-424.

Further statement as to witness having got a suit of clothes and 5 *l.* for his vote at the February election; his brother also got 10 *s.*, *J. M. Backas* 425-440——Conversation in August between witness and a man named Thompson, to whom he owed 5 *s.*, but was unable to pay it; reference made on this occasion to the question of his having got some money at the election in June, *ib.* 442-459. 486-499.

Statement that not only Edward Johnston, but a man named Edward Ingram, asked witness to vote for Verner in June, and said it would all be made right for him afterwards, *J. M. Backas* 476-485——Witness further denies that he received, or was promised any money in connexion with his vote for Richardson, at the June election, *ib.* 496-504. 611-616.

Explanation as to the source whence witness obtained the money, in order to pay his own travelling expenses at the June election, *J. M. Backas* 539-578. 617——After the February election witness wrote two or three letters to Johnston, asking for the unpaid balance of the 30 *l.*; each letter was answered, *ib.* 579-595.

Witness states that before the election for Lisburn, in February 1863, a person of the name of Johnston gave him 10 *s.* to ask his brother to vote for Verner, and also gave him 4 *l.* to pay for clothes for himself and his brother, *E. Backas* 623 *et seq.*; 858-861——At the time of the June election, Johnston again came to Derry to ask witness's brother

BRIBERY—continued.

I. *Evidence as to particular Cases of Bribery, or of attempted Bribery*—continued.

1. Case of J. M. Backas—*continued.*

brother for his vote, and a neighbour, Hart Kerr, brought in 3 *l.* to him, but wittness took it back again at the requestof his brother, *E. Backas* 681–697——Examination to the effect that witness's brother did not tell him what he was to say before the Committee, *ib.* 784–826.

With regard to the letter already produced, it probably contained more when it first came to witness's hands; question hereon as to his having torn off part of the letter, *Johnston* 930–936. 1410–1413. 1766–1768——Witness does not recollect having received more than one letter from Backas, but will not swear that he has not, *ib.* 937–950. 1769, 1770.

Witness went to Londonderry to ask Backas for his vote for Verner at the February election, but denies having offered him any money; examination hereon as to witness having held up his hand, whilst Backas counted over his fingers three times and promised his vote, *Johnston* 951–989. 1455–1461. 1469, 1470. 1513–1521——Statement as to witness having given Backas's brother 4 *l.* for some clothes for Backas, and 10 *s.* for himself, *ib.* 971–977. 1645–1649——Circumstance of witness having given 5 *l.* to Backas, some days after the election; he had spoken to several about giving Backas something for his loss of time, and thinks he received the 5 *l.* for him from a person named Herman, *ib.* 1148–1171. 1232–1242. 1657–1666.

Examination as to the circumstances under which witness received 3 *l.* from some one at Lisburn to fetch Backas from Derry; he does not know who gave him the 3 *l.*, *Johnston* 1198–1213. 1254–1256——Further evidence as to witness having received 3 *l.* to fetch Backas from Derry; persons in the room when this was given him, that is, at the Hertford Arms, Lisburn, *ib.* 1307–1385. 1633–1642——Neither after nor before the February election did witness promise Backas any money, nor was he authorised to do so, *ib.* 1461. 1469, 1470——Witness expected to be repaid the 4 *l.* he gave Backas for clothes, but cannot name any one as the person from whom he expected the money, *ib.* 1462, 1463. 1471–1492——Statement as to witness having at first contemplated voting for Barbour, and as to the causes and the period of his change of resolution, *ib.* 1500–1521. 1758–1765.

Conclusion arrived at by witness in June, that Backas had been bribed by the opposite party: grounds for this conclusion, *Johnston* 1680, 1681. 1692–1700. 1724–1751——With regard to the 3 *l.* received by witness for fetching Backas in February, he further denies all knowledge of the person who gave it to him, *ib.* 1701–1721. 1752–1757——Reasons assigned by Backas for not supporting Verner at the June election, *ib.* 1743–1748.

2. Case of Joseph Balmer:

Witness states that at different times before the February election he was promised 10 *l.* down, and 20 *l.* after the election, if he would vote for Verner; the persons who made this promise were Henry Dickey, Samuel Young, and Redmond Jefferson, *J. Balmer*, 1777, *et seq*——The promised 10 *l.* was given to witness's wife by Dickey three or four days before the election, Young having been aware that it was given, *ib.* 1842–1880——Statement of the circumstances under which witness having voted for Barbour, subsequently returned the 10 *l.* to Dickey; source whence he obtained the money, *ib.* 1881–1926.

Particulars as to witness having received 40 *l.* for voting for Barbour; this was promised him by Mr. Gwynne, and he received part of it from Sam O'Connell, *J. Balmer* 1815–1855——Denial by witness that he was promised, or that he received anything for voting for Richardson in June, *ib.* 1932–1937.

Examination to the effect that witness's husband was promised 30 *l.* if he would vote for Verner in 1863, and that 10 *l.* was given to witness beforehand by Henry Dickey, *ib.* 1956, *et seq.*——Return of the same amount to Dickey, witness's husband having eventually voted for Barbour; explanation as to the actual 10 *l.* received not having been returned, *ib.* 2002–2020——Doubt as to the sum received by witness's husband for voting for Barbour; Mr. Gwynne had seen him on the subject before the election, *ib.* 2023–2034.

3. Case of James Crawford:

Witness, who voted for Barbour in February, was offered 20 *l.* by Alexander M'Cann if he would vote for Verner, *Crawford* 8171–8183——Was also told by Samuel Smith that if he would vote for Verner he should be remunerated, *ib.* 8184–8192——Was subsequently sent for by Samuel Smith to the Hertford Arms, where, upon still declining to poll for Verner, he was promised 10 *l.* by George Wilson if he would not vote at all, *ib.* 8183–8235.

Witness never sent a person of the name of Samuel Smith to ask a voter named James Crawford to vote for Mr. Verner, *J. Richardson* 5421–5431.

BRIBERY—continued.

I. *Evidence as to particular Cases of Bribery, or of attempted Bribery*—continued.

4. Case of Alexander Downey:

Examination as to witness having received 10 *l.* after the February election from some woman at Samuel Young's house; he denies that he expected this for his vote for Verner, or that he has said it came from Young, *Downey* 2225–2288——Statement to the effect that witness was from the first a willing voter for Verner, *ib.* 2295–2317.

5. Case of Arthur Gamble:

Inducement held out to witness in February 1863, whilst at Stephenson's public house in Lisburn, if he would vote for Verner, *A. Gamble* 3459–3476——Witness got nothing for his vote for Verner, although promises were held out to him by Sam Young, Hugh Cane, Mr. Graham, and others; he applied to several after the election, but without effect, *ib.* 3615–3645.

Evidence as to Mr. Verner, Mr. Beattie, and Mr. George Thompson, having called to ask witness for his vote in June; inducement held out to witness by Mr. Verner and Mr. Beattie on this occasion, *A. Gamble* 3646–3687. 4043–4069. 4132–4135——Witness states that about a fortnight before the June election he promised a man of the name of Conolly to vote for Richardson; he gave no promise for Barbour, *ib.* 3763–3787. 4033–4035. 4136–4140——He has never said he wanted to vote for Verner in June, but that his wife wanted him to vote for Barbour, *ib.* 3788–3794——Witness denies that he ever told Hugh Cane that he got 20 *l.* for his vote for Richardson, *ib.* 3822–3831——Witness also denies having received 20 *l.* for his vote for Mr. Richardson in June; nor did his wife receive anything, *ib.* 4016–4042.

Presence of witness's wife on the occasion of the visit from Mr. Verner and Mr. Beattie; doubt as to the precise time of this visit, *A. Gamble* 4079–4106.

Visit of Mr. Verner and three of his friends to witness, whilst her husband was away in February; unimportant conversation on this occasion, *C. Gamble* 4210–4234——Statement as to witness having received 1 *l.* from James Allen a few days after Mr. Verner had called, and having been promised more, *ib.* 4235–4245. 4347–4349——Witness denies ever having received any money in respect of her husband's vote, except 1 *l.* from James Allen, *ib.* 4235–4245. 4325–4352.

Statement as to what passed upon the occasion of a visit of Mr. Verner and Mr. Beattie to witness's husband before the June election; witness did not hear anything very material upon this occasion, *C. Gamble* 4246–4277.

Witness saw Arthur Gamble at Stephenson's public-house some time before the election in February 1863, *Allen* 4458–4476——Does not recollect that he went to Stephenson's for any particular purpose beyond that of seeing Mr. Stephenson or his brother-in-law, Robert Munce; nor does he recollect the names of the persons whom he saw at Stephenson's, *ib.* 4466–4528. 4005 *et seq.*——He spoke to Gamble about his vote, and asked him to go to Stephenson's because Munce requested him to do so; otherwise he denies having had anything to do with the election, *ib.* 4522. *et seq.*——He gave Gamble's wife 1 *l.* after the election because she was badly off; did not say anything when he gave her the money, *ib.* 4758–4802.

Further examination as to the circumstances under which witness gave 1 *l.* to Mrs. Gamble; he gave it out of his own pocket, and has never asked any one for it, *Allen* 5015. *et seq.*——Further explanation as to witness having asked Gamble to vote for Verner, and having asked him to go to Stephenson's, because Munce told him to do so, *ib.* 5097–5131. 5145–5148.

Witness most positively denies that he, or to his knowledge Mr. Beattie, or Mr. George Thompson, ever offered any money or inducement to Arthur Gamble for his vote at the June election, *Verner* 8326–8337——James Allen was never authorised by witness to convey 1 *l.* to Gamble's wife, *ib.* 8338——Further denial of any knowledge in regard to an offer or reward to the voter Gamble, *ib.* 8451–8461.

6. Case of David M'Night:

Witness was in embarrassed circumstances in the beginning of 1863, and had to compound with his creditors, for which purpose a meeting was held on the 13th of May, *M'Night* 5922–5930——In the list of creditors the name T. R. Pelan is down for 10 *l.*, whereas Pelan claimed as a creditor for 40 *l.*; this was a mistake on witness's part, he having borrowed 40 *l.* from Pelan some time before the February election, *ib.* 5931 *et seq.*——Pelan had spoken to witness about his vote, and he replied that he would undoubtedly vote for Verner; no money passed on this occasion, *ib.* 5945–5953.

Examination to the effect that witness was not paid for voting for Verner, and that he never said he had given good consideration to Pelan for 30 *l.*; explanation offered hereon, as well as upon the circumstance of witness, before becoming a bankrupt, having paid 10 *l.* to Pelan rather than have an action about the matter, *M'Night* 5945 *et seq.*

BRIBERY—continued.

I. *Evidence as to particular Cases of Bribery, or of attempted Bribery*—continued.

6. Case of David M'Night—*continued.*

Witness was a creditor of the witness David M'Night, and was present at a meeting of the creditors in May 1863, *Kennedy* 7028–7045. 7063–7067——Discussion at this meeting in consequence of M'Night having returned Thomas Pelan as a creditor for only 10 *l.*, whilst the latter claimed for 40*l.*; understanding of those present that the 30 *l.* was deducted in consideration of M'Night having voted for Verner, *ib.* 7046–7062.

7. Case of Robert Miller:

Statement as to Mr. Verner and Sam Young having come to witness's house about the the 10th or 15th February 1863, whilst her husband was out, and as to Mr. Verner, after asking her to fetch her husband home, leaving the room whilst Young remained, *Esther Miller* 2361–2384. 2393–2395. 2415–2426. 2579–2583——Statement as to Young having subsequently offered 50 *l.* if witness would bring her husband home, and if he would vote for Mr. Verner; her daughter was present on this occasion, *ib.* 2383–2395. 2579–2583.

Witness denies having had any conversation about the election, except with her husband; she does not remember having said to one John Ward, or any other person, that she would swear anything to put Verner out, *Esther Miller* 2427 *et seq.*——Circumstance of witness not having told her husband of the visit of Mr. Verner and Young when she went to see him at Kildare, *ib.* 2559–2561. 2584–2589——Explanation in connexion with witness's husband having voted for Richardson at the election in June, *ib.* 2636–2654.

Witness is daughter of Robert Miller, voter of Lisburn; is in the 12th year of her age, *Margaret Miller* 2655–2659——Witness heard Sam Young offer her mother 50 *l.* with reference to her father's vote; examination hereon as well with reference to a conversation subsequently between her mother and a man of the name of Ward, *ib.* 2672 *et seq.*

Further examination in denial of witness having spoken to Ward about the election; conversation on the subject with Mr. Bannister, her landlord, *Esther Miller* 2860 *et seq.*

Neither Mr. Beattie nor Mr. Samuel Young, in witness's hearing or to his knowledge, ever offered money in February for the vote of a man named Miller, *Verner* 8317–8325. 8443–8447.

8. Case of John Orr:

Statement as to Redmond Jefferson having first offered witness 10 *l.* and then 20 *l.* for his vote for Verner in February; witness said he would see him again, but did not, *J. Orr* 2938–2946. 2960, 2961. 3032, 3033——Evidence as to Jefferson and John Herman having seen witness about voting for Verner at the June election, and as to Herman having offered himself and his wife 65 *l.* for his vote, *ib.* 2967–3010. 3034–3051——Statement made by witness shortly after the June election, and taken down in writing as to the offer made by Herman, *ib.* 3054–3071. 3103–3114.

Witness denies that he got any money for his vote for Barbour in February, or for his vote for Richardson in June; nor is he aware that his wife got anything, *J. Orr* 3072–3077. 3083–3093——Further examination as to the circumstances connected with the offer of 65 *l.* made by Herman, *ib.* 3120–3134.

Visit of Mr. Verner, Mr. Beattie, and another gentleman to witness during her husband's absence; conversation of witness with Mr. Beattie on the subject of something being given for her husband's vote, she having asked 50 *l.* for it, *Agnes Orr* 3140–3200. 3409–3419——Statement as to Mr. Herman having offered witness 65 *l.* for her husband's vote for Verner in June, *ib.* 3241–3267. 3364–3366. 3401–3403. 3427–3435——Anger felt by witness at the time, that, notwithstanding the offers made by Jefferson and Herman and the absence of her husband for several days, nothing was obtained for his vote; she denies, in fact, that anything was given him or her by the Barbour party, *ib.* 3255. 3276 *et seq.*

Witness identifies a letter which he wrote by the direction of John Orr at Lisburn; it was written on the 21st June 1863, *M'Gourk* 8251–8259.

During his canvass witness never heard the wife of a voter ask Mr. Beattie 50 *l.* for her husband's vote, *Verner* 8300–8312.

9. Case of William Stewart:

In February, before going from his home to Stephenson's house in Lisburn, and whilst there witness told Mr. Jefferson he would vote for a Conservative; nothing was said about money, *W. Stewart* 6128–6132. 6163–6171. 6312–6320. 6412–6435. 6467–6476——Witness denies that any one either gave or promised him money in respect of voting for Verner; he had no conversation with any one about money, *ib.* 6243–6246. 6312 *et seq.*

Report, 1864—*continued.*

BRIBERY—continued.

I. *Evidence as to particular Cases of Bribery, or of attempted Bribery*—continued.

9. Case of William Stewart—*continued.*

At the June election, witness also voted for Verner, having been previously canvassed by him, *W. Stewart* 6267-6269—No money was ever paid or promised to witness for his vote at the June election, *ib.* 6297-6311.

Examination to the effect that witness was not stating the truth when he recently told Con O'Neil and Mr. Henry, solicitor for the petitioner, that Jefferson and Sam Young had promised him money for his vote, *W. Stewart* 6321 *et seq.*

Statement as to witness's husband having voted for Mr. Verner, much to her satisfaction, *Eliz. Stewart* 6590. 6593, 6594—Witness admits having had 4*l.* from Mr. Beattie at different times after the June 1863, election, but states that it was borrowed to redeem some clothes out of pawn, and denies that it had anything to do with her husband's vote, *ib.* 6591 *et seq.*

Examination relative to a statement recently made by witness at Belfast, to Mr. Henry, solicitor; if she then stated that Mr. Beattie said he would settle all but for the pending petition, she stated what was not true, *Eliz. Stewart* 6623 *et seq.*

Mrs. Stewart's statement was taken down and read to her, and she said that it was all right; witness had not previously sent for her, or made any offer to her, *Henry* 6834–6841.

II. *Generally as to the Practice, or the Sanction, of Bribery by the Opposing Parties:*

Conversation at times about money whilst certain voters of Mr. Verner were in houses at Belfast, before the February election; witness does not recollect having spoken specifically on the subject to any one voter in particular, *Johnston* 1098–1112.

Conversation between witness and Jefferson about Kenny Boomer's vote, when each accused the other of raising the market price of votes; conversations of this kind were frequent at the February election, *Kennedy* 7073–7088—The current price in February was 10*l.*, 15*l.*, and 20*l.*, *ib.* 7079.

Witness never heard Mr. Beattie offer any voter, or the wife of any voter, money for his vote, *Verner* 8300–8315. 8448-8450—Neither did witness, directly or indirectly, ever sanction the offer of money for a vote, *ib.* 8316—Witness frequently expressed his discountenance of bribery, *ib.*—At neither election did witness ever authorise, directly or indirectly, any expenditure in respect of votes, *ib.* 8339, 8340—It frequently came to witness's ears, in February, that there was bribery going on by Barbour's party, *ib.* 8559.

Witness never sanctioned the payment of money to any voter for supporting Verner, and is not cognisant of any money having been paid, or any offer made, in respect of any vote, *Waring* 8743–8748.

Witness heard Mr Watson offer the voters in the Vine Hotel, Belfast, 25*l.* a-piece for their votes for Barbour, at the February election, *Robt. M'Ilwee* 9572–9574. 9660, 9661, *See* also *Boomer, Kenny. Bullick, Moses. Expenditure.*

Bullick, Moses. Moses Bullick came twice and offered witness 30*l.*, and the best new dress in Lisburn, if her husband would vote for Verner in February; Sam Young was present on the second occasion, *Mary J. Turtle* 4382-4431.

Statement as to witness having been at the Hertford Arms, with Moses Bullick, on the nomination day in June, and having subsequently gone with Bullick, and some others, to Belfast till the polling day, free of expense, *W. Stewart* 6270–6296.*

Moses Bullick was not engaged to act in any way on the part of Mr. Verner, *Waring* 8721.

C.

Calbeck, Mr. Mr. Calbeck, who accompanied Mr. Verner from Dublin in February, is not a voter for Lisburn, *Waring* 9151-9156—Mr. Calbeck was at the election in June as well as in February, *ib.* 9398, 9399.

Candidates (*February* 1863 *Election*). Expressed intention of Mr. Barbour, early in January 1863, to come forward as a candidate in the Liberal interest, *J. Richardson* 5169—In the Conservative interest Mr. Bateson came to Lisburn for a time in January, but returned on the 19th of that month, *ib.* 5170–5183—From the 19th January to the 9th February, there was no candidate on the Conservative side, *ib.* 5184, 5185—Commencement of the candidateship and canvass of Mr. Verner on the 9th or 10th February, *ib.*

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Candidates (*February* 1863, *Election*)—continued.

Arrival of witness at Lisburn, as a candidate, on the 10th February 1863, having gone from Dublin to Belfast on the preceding day, *Verner* 8260. 8264-8270——Statement of the circumstances under which witness first came forward as a candidate; that is upon the application of Mr. Johnson, of Dublin, *ib.* 8261-8263. 8387-8407. 8411.——Witness issued an address on the evening of his first day's canvass, *ib.* 8412——Statement to the effect that witness, on his first arrival in Lisburn, was almost entirely unknown there, *ib.* 8538-8557.

See also *Barbour, Mr.* *Bateson, Mr.*

Canvass of Electors. Mr. Verner came to Lisburn on the 9th or 10th February, and at once issued an address and commenced his canvass, *J. Richardson* 5186-5207——Witness accompanied Mr. Verner on his first day's canvass, and afterwards went with him to the Hertford Arms, where his solicitors had engaged rooms, *ib.* 5191-5231——Mr. Beattie, Mr. Jefferson, and Mr. Samuel Young, were with Mr. Verner in his canvass, *ib.* 5223-5227.

Witness was canvassed for his vote and interest at the February election, by Mr. Verner and Mr. Crossley, and was shown a paper by them containing a list of some of Mr. Verner's supporters, *A. Richardson* 5711-5738. 5761, 5762.

Commencement of witness's canvass on the 10th February, after he had first been to the Hertford Arms, where he met many of the principal inhabitants, *Verner* 8271, 8272——Mr. Beattie, Mr. Jefferson, Mr. Richardson, of Glenmore, and many others, accompanied him in his canvass, *ib.* 8283-8290——Witness slept at Belfast each night, and went to Lisburn every day to canvass, *ib.* 8295-8297. 8368-8372.

Local information supplied by witness to Mr. Moore, in connexion with the list of voters, *Waring* 9220-9235——Witness frequently saw Mr. Verner canvassing, and mentions the names of some of those he saw with him, *ib.* 9328-9347——The result of the day's canvass was generally gone over in the evening, in the presence of Mr. Moore or of witness, *ib.* 9373-9382.

See also *Riots.*

Car Hire. Charge made by witness of about 2 *l.* for car hire, it having been found necessary to remove the voters of Mr. Verner who were in Belfast, from one place to another, out of the way of Barbour's people, *M'Neilly* 8657. 8666-8671.

Committee and Committee Rooms (*Mr. Verner*):

Mention of the names of the gentlemen composing the legal committee for Mr. Verner as well as of some of his principal supporters, *J. Richardson* 5235-5245. 5587-5596. 5624-5637. 5702-5707——Evidence to the effect that witness's name was in the first instance put down without his consent, as chairman of Mr. Verner's legal committee, and that some circulars were issued with his name as chairman, but that he really was not chairman of any committee, *ib.* 5252-5298. 5367-5382. 5472. 5559-5565. 5654-5666——Circumstance of witness having allowed the issue of circulars without requiring the withdrawal of his name as chairman of committee, *ib.* 5260, 5261. 5367-5372. 5565. 5654-5662.

Character of the rooms at the Hertford Arms used by Mr. Verner, and termed, familiarly, committee rooms, *J. Richardson* 5279-5283——Use of the rooms by Mr. Moore, one of Mr. Verner's solicitors; while Mr. Verner, witness, and many others, were frequently there, *ib.* 5284-5293. 5383-5399. 5584-5596——Denial that there was, in fact, any committee on behalf of Mr. Verner, except that of his solicitors, *ib.* 5294-5298. 5367, 5368. 5584-5611. 5662-5669.

Statement to the effect that witness took no part in the February election, beyond that of an independent supporter of the Conservative side; he did not control any of the persons employed in conducting the election, and had nothing to do with the expenditure or the bringing of voters to the poll, *J. Richardson* 5559-5568——Further statement as to there having been no regular committee at the February election, *ib.* 5584-5911. 5654-5669——Witness has never proposed a candidate except at the February and June elections, and has not often acted as chairman of public meetings, *ib.* 5694-5699.

Circumstances under which Mr. David Beattie told Mr. Orme, stipendiary magistrate of Belfast, that certain rooms at the Hertford Arms used by Mr. Moore and others in February, were Mr. Verner's committee rooms, *J. J. Richardson* 7345-7363. 7519-7525. 7615-7624——With regard to a certain letter from Mr. Richardson, of Glenmore, to witness, about the case of Allister, it was given up with by witness in order to correct Mr. Richardson's statement, that there was no committee for Mr. Verner, *ib.* 7516-7518.

Witness assists her mother in the management of the Hertford Arms at Lisburn, *Jane Lennan* 7690-7695——She is not aware that any room, or rooms, were engaged at the Hertford Arms for Mr. Verner's party during the February election, or that any payment was arranged or received in respect of such rooms, *ib.* 7696, *et seq.*——There are

Report, 1864—*continued.*

Committee and Committee Rooms (Mr. Verner)—continued.

two rooms on the first floor in which Mr. Moore and others used sometime sto sit, but as far as witness knows they were not engaged before the election, nor were they paid for, *Jane Lennan* 7700 *et seq.*

Witness is a daughter of the landlady of the Hertford Arms Hotel; sometimes keeps the books of the hotel, *Margaret Lennan* 7751–7754——A room on the first floor of the hotel, with a wooden partition across it, was used by Mr. Verner's friends at the February election, and was subsequently paid for by Mr. Thomas Calbeck, 7755–7766——The room was not engaged before the election, and witness does not recollect how much was paid for it; she has no books or accounts to produce on the subject, *ib.* 7759–7808.

Witness had no committee at either elections, except a legal committee, *Verner* 8354–8358——Witness does not know what has been paid for the use of the room or rooms at the Hertford Arms, 8488–8490. 8506–8508——Any one of witness's supporters might have apparently entered the room at the Hertford Arms; names of several whom witness saw there, *ib.* 8568–8580——If witness had been asked where his committee-room was he would probably have said at the Hertford Arms, 8584, 8585.

The room at the Hertford Arms, where Mr. Moore used to sit, was always open to any supporter of Mr. Verner, *Waring* 8724–8729 ——On first going to the Hertford Arms, in February, witness was not sent for by any committee on the part of Mr. Verner, *ib.* 8794–8800——Reference to an entry in the February accounts in which the word "committee" is used, and afterwards struck out, *ib.* 8847–8853——Witness has not paid, nor authorised any payment for the rooms at the Hertford Arms, *ib.* 9134–9139.

Constituency of Lisburn. Number and general character of the Lisburn constituency, *Waring* 9297–9305.

Corrupt Practices. See *Abduction or Detention of Voters. Bribery.*

Coulson, Captain Ward. Support given to Mr. Verner both in February and June by Captain Ward Coulson, *J. J. Richardson* 7639–7648——Captain Ward Coulson has not been paid anything for the use of his room on the polling day in February, *Waring* 9142–9145. 9205, 9206.

Crawford, James. (Analysis of his Evidence.)—Voted for Barbour at the election in February 1863; 8168–8170——Was offered 20*l.* by Alexander M'Cann if he would vote for Verner, 8171–8183——Was also told by Samuel Smith that if he would vote for Verner he should be remunerated, 8184–8192——Was subsequently sent for by Samuel Smith to the Hertford Arms, where, upon still declining to poll for Verner, he was promised 10*l.* by George Wilson if he would not vote at all, 8193–8235.

Witness went to Hildon about a week before the election, in order to be out of the way of Verner's people, and on the night before the polling returned to Lisburn, and went to the Queen's Arms Hotel, 8237–8242——Mention of some of the persons seen by witness in Mr. Verner's rooms at the Hertford Arms; Alexander M'Cann was one, 8243–8250.

Cusack, Ralph Smith. (Analysis of his Evidence.)—As clerk to the Crown and Hanaper Office in Ireland, produces the poll books for the Lisburn election of June 1863; also for the election in February 1863; 7–9.

D.

Detention of Voters. See *Abduction or Detention of Voters.*

Disturbances. See *Riots.*

Downey, Alexander. (Analysis of his Evidence.)—Voted for Verner in February 1863; had no vote at the June election, 2042–2050——Came over to London with one or two other voters, and is now staying in the same house with some of Mr. Verner's supporters; saw Mr. Beattie at Fleetwood, but paid for his own breakfast there, 2051–2070——Was spoken to about his vote in February by Samuel Young, and subsequently stayed for three days at Timblety's house in Lisburn, with two or three other voters, free of expense, 2071–2133——Afterwards went with these voters to Samuel Weir's house in Belfast, and remained there for ten days before the election, without paying for what he ate and drank, 2134–2177.

Circumstance of neither witness nor the other voters having left Weir's house during ten days; question whether there was any restriction upon their doing so, 2162–2169 2312–2317——Removal of witness and other voters to Watson's house, at Belfast, on the Thursday before the election day (Saturday); they remained there till the morning of the polling, and were visited in the meanwhile by Mr. Graham, of Lisburn, 2178–

Downey, Alexander. (Analysis of his Evidence)—*continued.*

2204——Circumstances under which witness and several other voters went from Belfast to Lisburn on the polling morning, where they were met by Samuel Young, and after staying at Captain Ward's for a short time, recorded their votes for Verner, 2205–2224.

Examination as to witness having received 10*l.* after the election from some woman at Young's house; he denies that he expected this for his vote, or that he has said it came from Young, 2225–2288——Statement to the effect that witness was from the first a willing voter for Verner, 2295–2317——Explanation as regards a statement by counsel that witness had been removed out of the way, that he had reported himself at the agent's office in London before this statement was made, 2318–2330.

E.

Election Expenses. See *Expenditure.*

Excitement in the Town (February, 1863, Election). See *Riots.*

EXPENDITURE:

1. *Expenses incurred in February in respect of the Maintenance, &c. of Voters of Mr. Verner, in houses in Lisburn and Belfast.*
2. *Expenses Returned to the Election Auditor in February on the part of Mr. Verner.*
3. *Expenses incurred at the June Election, on either side.*
4. *Explanatory Statement by Mr. Verner and Mr. Lucas Waring.*

1. *Expenses incurred in February in respect of the Maintenance, &c. of Voters of Mr. Verner, in houses in Lisburn and Belfast:*

Witness was at an hotel in Belfast, with several other voters for Verner, for eight days before the February election, during which time all his expenses were paid, *J. M. Backas* 78–123.

Part taken by witness in ordering what was eaten and drank by certain voters of Verner during the ten days' stay in the house at Belfast, *Johnston* 1034–1048. 1079–1087——Statement as to witness having expected to receive some money for his loss of time and services on behalf of Mr. Verner in February, and having applied on the subject to some active supporters of Mr. Verner, but without success, *ib.* 1152–1174. 1214–1285——Witness in conversation with Mr. Strangman may have said he had been badly used by the Verner party, and had written some threatening letters on the subject, *ib.* 1274–1287.

Witness has not received anything since the February election on account of the expenses to which he was put, *Johnston* 1575——Part taken by witness in ordering drink for the voters further adverted to; he did not know who was to pay for it, *ib.* 1616–1625. 1656–1660.

Witness was spoken to about his vote in February, by Samuel Young, and subsequently stayed for three days at Timblety's house, in Lisburn, with two or three other voters, free of expense, *Downey* 2071–2133——Witness afterwards went with these voters to Samuel Weir's house, in Belfast, and remained there for ten days before the election, without paying for what he ate and drank, *ib.* 2134–2177——Supply of food and drink to Mr. Verner's voters, at Stephenson's, without their paying for it, *A. Gamble* 3482–3485. 3529–3531——Supply of drink to witness and the others at Bannister's; he does not know who ordered or paid for it, *Allen* 4949–4957.

Witness gave no orders for printing or any other expenditure, and is not aware who did, *J. Richardson* 5416–5418. 5491–5496——Witness is not aware whether Mr. Beatty or Mr. Jefferson acted as treasurer, or whether there was any treasurer at all, *ib.* 5492–5496. 5700, 5701.

Before the election in February about thirteen or fourteen men came to the Vine Hotel, Belfast, where everything they wanted was provided for them, and was entered in a small account book, *Morley* 7877 *et seq.*——George Ingram, of Belfast, often came to the hotel and said the men were to have everything they wanted, *ib.* 7883–7885. 7900——Belief as to Mr. and Mrs. M'Ilwee having been paid for the men's expenses at the hotel, *ib.* 7952–7954——Repeated statement as to the liberal manner in which the men were supplied with food and drink, *ib.* 8062–8069.

Particulars as to the charge made by witness for the keep of six men brought to his house in Belfast in February, and for drink supplied to them, and for car hire; the total did not exceed 17*l.*, *M'Neilly* 8613 *et seq.*——Explanation as to the payment of witness by Mr. William Johnson, town counsellor of Belfast, *ib.* 8620–8640.

EXPENDITURE—continued.

1. *Expenses incurred in respect of Maintenance, &c.*—continued.

Practice in regard to the providing of the voters at the Vine Hotel with meals and refreshments; anything not paid for at the time was entered in a small book, *Elizabeth M'Ilwee* 9420, 9421. 9455-9473——Information relative to the meals and refreshments provided for the voters, and the rates charged, *Robert M'Ilwee* 9488-9496. 9530-9533——Particulars as to witness having been paid 40 *l.* by George Ingram, which was about 2 *l.* less than he had put down, *ib.* 9542-9544. 9608-9642.

Payments by witness in respect of voters in houses in Belfast, Mr. W. J. Johnson, of Belfast, having provided him with the money, *Ingram* 9751-9753——Witness told M'Ilwee that he would be responsible that he was paid for those voters that were placed with him, *ib.* 9781-9790——Witness was not in communication with supporters of Mr. Verner at Lisburn about the voters at Belfast, and never applied to any of them for payment of the bills, *ib.* 9880-9910.

2. *Expenses returned to the Election Auditor in February on the part of Mr. Verner:*

Witness was election auditor at the Lisburn election of February 1863, and produces certain accounts which were handed to him by one of the agents for Mr. Verner, *Stephenson* 2331-2349.

3. *Expenses incurred at the June Election, on either side:*

Witness's expenses at the hotel in Lisburn before voting for Richardson at the election in June were paid by a person named Kennedy; but he paid his own travelling expenses from Londonderry to Lisburn, *J. M. Backas* 304-346——Further statement as to witness's expenses at Lisburn at the June election having been paid by others, *ib.* 596-612.

Witness, as returning officer, produces sundry papers and accounts sent to him by Mr. Verner's election agent, Mr. Irwin, showing the expenses paid by Mr. Verner in connexion with the June election, *Bottomley* 865-871——There was only one item in the account of Mr. Richardson's expenses, namely, the payment to the sheriff, *ib.* 883-885. 917-923.

Statement as to witness having gone down to Londonderry to ask Backas for his vote for Verner in June; money advanced to witness on this occasion for his expenses, *Johnston* 1667-1679. 1683-1691. 1722, 1723.

Total of about 25 *l.* as the expense incurred by witness in respect of the June election, *J. J. Richardson* 7421-7426——Understanding of witness on agreeing to come forward that he was not to be called upon to pay any expense incurred previous to his being nominated, *ib.* 7467, 7468——Witness has not paid anything in respect of the agents who acted at the poll, *ib.* 7469-7471.

4. *Explanatory Statement by Mr. Verner and Mr. Lucas Waring.*

Payment of 100 *l.* by witness to Mr. Waring on account of the February election, *Verner* 8373-8382——Witness has also paid 100 *l.* to Mr. Waring on account of the June election, *ib.* 8375-8382——Inability of Mr. Waring to furnish a complete account of either election, because of the illness of Mr. Moore, *ib.* 8378. 8381. 8487-8505. 8558——Witness is not aware of any subscriptions to the expenses incurred in February and June beyond his own two payments of 100 *l.*, and supposes that Mr. Waring has paid the surplus expenditure beyond those sums returned to the election auditor, *ib.* 8484-8487. 8521-8529. 8588.

Witness has received from Mr. Verner 100 *l.* on account of the election in February, and another 100 *l.* on account of the June election, *Waring* 8750, 8751——Statement to the effect that witness has received no claim from William Tumblety for car hire, or for the care of voters, *ib.* 8872-8893——With regard to the use made of Bannister's house on the polling day, witness has not received any account from Bannister, and does not intend to pay him, nor several others, if they should claim, *ib.* 8954-8980. 9131-9133. 9204. 9215-9219. 9272-9277.

Statement that witness has paid away 92 *l.* beyond the 100 *l.* received from Mr. Verner for the February election, and that he looks to Mr. Verner for repayment of this amount, *Waring* 8973-8976. 8981. 9116-9130. 9168-9182——Impression of witness that he never saw George Ingram at the Hertford Arms before the polling day in February; Ingram has never made any claim for the expenses of the men at Belfast, *ib.* 9027-9056. 9207——Total of about 182 *l.* due to witness from Mr. Verner on the two elections, *ib.* 9115-9133. 9157-9196.

Witness is not cognisant of any subscriptions in aid of Mr. Verner's expenses in February, *Waring* 9140, 9141——Witness is not aware of any expenses having been incurred other than legal expenses, *ib.* 9292-9262.

See also *Abduction or Detention of Voters.* *Accounts.* *Agents.* *Car-hire.* *Johnson, William John.* *Printing Expenses.* *Watchmen.*

F.

February 1863, *Election.* See *the Headings generally throughout the Index.*

Friars, James. Explanation as to a voter of the name of James Friars having slept for a night at witness's house some days before the election in February, *Waring* 9069–9103.

G.

Gamble, Arthur. (Analysis of his Evidence).—Statement as to witness, who is a voter of Lisburn, having been taken to Stephenson's public-house in Lisburn, a fortnight before the election in February 1863, and having been detained there with 12 other voters for two days and nights, 3436-3528——Inducements held out to witness, whilst at Stephenson's, if he would vote for Verner, 3459–3476——Supply of food and drink to the voters at Stephenson's, without their paying for it, 3482-3485. 3529–3531——Removal of witness and the other voters from Stephenson's to the Vine Hotel in Belfast, on the Monday week before the election, during which time he was detained there against his will, 3532–3571.

[Second Examination.]—Particulars as to witness and the other voters having been taken from Belfast to Lisburn, on the polling morning, to vote for Mr. Verner, 3572–3614——Witness got nothing for his vote, although promises were held out to him by Sam Young, Hugh Cane, Mr. Graham and others; he applied to several after the election, but without effect, 3615–3645.

Evidence as to Mr. Verner, Mr. Beattie, and Mr. George Thompson having called to ask witness for his vote in June; inducement held out to witness by Mr. Verner and Mr. Beattie on this occasion, 3646–3687. 4043–4069. 4132–4135——Witness denies having held any communication with George Wilson or any one else on the subject of his evidence, since his former examination, 3688–3718——Statement as to Redmond Jefferson having solicited witness to vote for Mr. Verner in June, and as to his having at the same time conveyed 10*s.* to him through another person, 3719–3740. 4070–4075. 4096–4102. 4130. 4131.

Evidence as to witness having been taken by George Wilson to the Hertford Arms, before the June election, and as to Wilson having used him very roughly there and tried to prevent his leaving; witness denies that he himself was unwilling to leave, or that he was drunk on this occasion, 3741–3761. 3795–3819——Witness states that about a fortnight before the June election he promised a man of the name of Conolly to vote for Richardson; he gave no promise for Barbour, 3763–3787. 4033–4035. 4136–4140——He has never said he wanted to vote for Verner in June, but that his wife wanted him to vote for Barbour, 3788–3794.

Witness denies that he ever told Hugh Cane he had got 20*l.* for his vote, 3822–3831——He also denies that whilst in Stephenson's hotel at Belfast he saw any violence committed by a party of butchers, who were on the side of Barbour, or any windows broken in the hotel by them, 3832–3886——Further statement as to witness having been detained at Stephenson's against his will, 3887–3915. 3949–3992——Statement as to witness having been forced into a car in order to go from Stephenson's to Belfast, 3916–3937——He also further asserts that he was forcibly detained in the hotel at Belfast before the election, 3948–3980——Inducements held out to witness at Stephenson's, so that he was after a time content to stay there, 3983–3992. 4141–4151.

Examination as to witness and some other voters having been at Conolly's house for three days before the June election, when they voted for Richardson; he was a free agent there, 3993–4015. 4026–4039——He denies having received 20*l.* for his vote in June; nor did his wife receive anything, 4016–4042——Presence of witness's wife on the occasion of the visit from Mr. Verner and Mr. Beattie; doubt as to the precise time of this visit, 4076–4106——Whilst at Stephenson's, witness saw Mr. William Graham, Sam Young, and Redmond Jefferson there, 4107–4114. 4141–4143——Witness has not received any money for coming to London as a witness, 4115–4129.

Gamble, Catherine. (Analysis of her Evidence).—Examination as to witness's husband having been taken to Stephenson's public-house in Lisburn some time before the February election, and afterwards removed thence to Belfast, by some supporters of Mr. Verner; steps taken by witness to get him home from Stephenson's but without effect, 4152–4209. 4278–4300——Visit of Mr. Verner and three of his friends to witness whilst her husband was away in February; unimportant conversation on this occasion, 4210–4234——Statement as to witness having received 1*l.* from James Allen, a few days after Mr. Verner had called, and having been promised more, 4235–4245. 4347–4349.

Statement as to what passed upon the occasion of a visit of Mr. Verner and Mr. Beattie to witness's husband before the June election; witness did not hear anything very material

Report, 1864—*continued.*

Gamble, Catherine. (Analysis of her Evidence)—*continued.*

upon this occasion, 4246–4277——Disinclination evinced by her husband to return home with her from Stephenson's in February, 4278–4300——Absence of her husband from home for two or three days in June; she less objected on this occasion to his being away as she wished him to vote for Barbour and he was staying at Conolly's for the purpose, 4301–4324——Witness denies ever having received any money in respect of her husband's vote, except the 1*l.* from Allen, 4325–4352.

Golding, John. (Analysis of his Evidence.)—Witness voted for Mr. Verner in February and June; had never promised to vote for Barbour, 9687-9692. 9718-9720——States that some time before the February election he went to Redpath's house in Belfast, in order to be out of the way of Barbour's people, and that there was no restraint upon his movements there, 9689. 9693. *et seq.*——He has never received nor been promised anything in respect of his vote, 9711–9717.

Goudy, Alexander. (Analysis of his Evidence.)—Was employed by certain supporters of Mr. Verner in watching the voters at the time of the election in February; numerous other watchers employed, the payment being half-a-crown a night for each man, 6854–6863. 6891 *et seq.*—— On the evening when certain voters were leaving Stephenson's house for Belfast, a band belonging to Orangemen came into town, and many people with it, 6864–6881——Great crowd outside Stephenson's when the voters were leaving, so that witness could not see who they were, 6882–6886. 6995–6999.

Particulars as to the payment of witness and the other watchers, first by Mr. Thomas Jefferson and Mr. William Graham, for two separate nights, and subsequently Samuel Young, at the Hertford Arms, 6891-6924. 6944-6957——Services rendered by the watchmen in looking after the voters, with a view to preventing their being taken away, 6925–6935. 7014-7024——Employment of as many as 70 or 80 watchmen during the election week, 6936-6944.

Except Sam Young witness did not see any one in the room at the Hertford Arms where the money was paid for the watchmen, 6951-6975——Circumstances under which witness went to Carrickfergus in February to look for a voter named Alexander Downey; he did not find him, 6978–6985——Witness did not see any man vote who was a paid watcher, 7000–7013.

Graham, William. Statement that witness did not employ Mr. Graham, the brewer, in any capacity at the election in February, *Verner*, 8367——Mr. William Graham was not employed in any way on the part of Mr. Verner in February, *Waring* 8720.

See also *Abduction or Detention of Voters*, 1. 5.

H.

Harrison, George, F.R.C.S. (Analysis of his Evidence.)—Is in professional attendance on Mr. Stirling, and certifies that he (Mr. Stirling) is at present (22d March) seriously ill, and is quite incapable of quitting his bed, 9911-9917——Anticipates that he will be able to attend the next sitting of the Committee, if adjourned to the 5th April, 9918, 9919.

Henry, William Joseph. (Analysis of his Evidence.)—Solicitor in Dublin; has been engaged in collecting evidence for the petition, 6807–6809——Neither Mr. Strangman nor witness ever promised William Stewart or his wife any money for giving evidence; but on the contrary distinctly told them that only their expenses for loss of time would be paid, 6810–6827——Explanation as to 10*l.* having been given to Mrs. Stewart for their expenses, whilst return tickets were also given to them subsequently, 6817–6853 ——Mrs. Stewart's statement was taken down and read out to her, and she said it was all right; witness had not previously sent for her, or made any offer to her, 6834–6841.

Herman, John. Mr. John Herman was not employed by witness at the February election, *Verner* 8366——John Herman was not employed in any way at the February election, *Waring* 8718.

See also *Bribery*, 1. 8.

Hertford Arms. Witness was in and out of the Hertford Arms several times before the election, but does not recollect having been there on the polling day; he cannot remember the names of Mr. Verner's supporters whom he saw there, *Allen* 4809–4871——Witness does not know that refreshments were constantly provided at the Hertford Arms at the time of the February election, *J. Richardson* 5521–5528——No accounts were kept at the Hertford Arms relative to the election, and witness has not with her the regular books kept, *Jane Lennan* 7732–7742. 7745——Any refreshments ordered by Alexander McCann, or any one else, to be sent to Mr. Verner's room were paid for at the time, *Margaret Lennan* 7809–7830.

See also *Committee, and Committee Rooms.*

Hildon. See *Abduction or Detention of Voters*, 1. 5.

Report, 1864—*continued.*

I.

Ingram, George. (Analysis of his Evidence.)—Has no books or accounts to produce relative to the election in February 1863; 7864-7806.

[Second Examination.] Witness is an innkeeper in Belfast, and takes a strong interest on the Conservative side, 9733-9735——Is acquainted with Mr. William John Johnson, a wholesale grocer at Belfast, 9736-9738——Made arrangements for the reception of voters from Lisburn at several houses in Belfast before the election of February 1863; they were first brought on cars to witness's, but he could not accommodate them, 9739-9743. 9754-9790——Denies that any of these men were detained in the houses against their will, 9744-9746——Arrangements were also made for removing the men to Watson's Hotel in Belfast on the day before the poll, and for sending them on to Lisburn, 9747-9750. 9857-9882——After the election witness paid several of the accounts in respect of these voters, Mr. Johnson having furnished him with the money, 9751-9753.

Statement as to witness having received no previous instructions before the arrival of the voters; nor was he given any directions about them subsequently, 9762-9782. 9791-9828——Witness told M'Ilwee that he would be responsible that he was paid for those voters placed with him, 9781-9790——Explanation of the circumstances under which Mr. Johnson gave witness the money for the account of M'Ilwee and others; warm interest taken by Mr. Johnson in the Conservative cause, 9829-9856. 9892-9896. 9903-9905——A small account-book and a receipt were given by M'Ilwee to witness, who left them with Mr. Johnson, 9837-9843——Witness was not in communication with supporters of Mr. Verner at Lisburn about the voters in Belfast, and never applied to any of them for payment of the bills, 9880-9910.

Irwin, Cromlin. (Analysis of his Evidence.)—Solicitor; was Mr. Verner's agent for election expenses in February and June 1863; 5844-5848——At the former election all the work was done for witness by Mr. Lucas Waring, who paid the money and forwarded the accounts to the auditor without witness seeing them at all, 5848-5856. 5908-5919.

Examination as to witness having authorised refreshments to be given to some of his labourers who were going to Lisburn to cheer for Mr. Verner on the polling day in February, and as to his having been subsequently solicited to pay a bill of 16*l.* 12*s.* 7*d.* for such refreshments; refusal on his part to pay any such amount as altogether outside the order given by him, 5857-5907.

J.

Jefferson, Redmund. At the time of the February election witness saw Mr. Jefferson and others about the streets with Mr. Verner, *Margaret Miller* 2660-2671. 2749-2777. 2839-2842: *J. Orr* 2934-2937. 2947-2959——Conversation on two occasions between Redmund Jefferson and witness relative to her husband's vote in February 1863, witness asking for 50*l.*, and Jefferson saying he could not go beyond 25*l.*, *Agnes Orr* 3201-3231. 3330-3338. 3343-3363. 3420-3426——Witness frequently saw Mr. Verner and Jefferson in the street together, *ib.* 3227-3240.

Statement as to Redmund Jefferson having solicited witness to vote for Mr. Verner in June, and as to his having at the same time conveyed 10*s.* to him through another person, *A. Gamble* 3719-3740. 4070-4075. 4096-4102. 4130, 4131.

Prominent part taken by Mr. Redmund Jefferson in supporting Mr. Verner, both in February and June, *J. Richardson* 5400-5408——Remark by Mr. Crossley that Redmund Jefferson, who was on the list of Mr. Verner's supporters, was understood to be a good hand at electioneering, *A. Richardson* 5739-5757.

Mr. Redmund Jefferson was not employed at the February election in any capacity on the part of witness, *Verner* 8364——Jefferson was not employed in any way as an agent in February, *Waring* 8717.

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Johnson, Samuel Yates. Statement as to Mr. Johnson, a barrister in Dublin, having been the first to apply to witness to come forward at the election in February; he was unknown to witness at the time, *Verner* 8261-8263. 8387-8407. 8411——Mr. Johnson is connected with a Conservative Society in Dublin, and had been in communication with witness's father before he applied to witness, *ib.* 8395-8407.

Johnson, William. (Analysis of his Evidence.)—Is a printer at Lisburn, 5764-5766——By order of Mr. David Beattie printed several copies of a circular and a poster in February 1863, and sent the account, in the first instance, to Mr. Beattie, 5767-5803——Mr. Beattie said Mr. Cromlin Irwin would pay witness's account, which came to 2*l.* 2*s.* 6*d.* altogether, but it was ultimately paid through Mr. Lucas Waring; delay in payment adverted to, 5778-5809. 5828-5843——Witness made out his account to the committee of Mr. Verner, because he concluded that there was always a committee on such occasions, but he considered that Mr. Beattie was responsible for payment, 5811-5843.

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Johnson, William John. Witness (who is an innkeeper at Belfast) is acquainted with Mr. William John Johnson, a wholesale grocer at Belfast, *Ingram* 9736-9788——After the election in February witness paid several of the accounts in respect of the voters of Mr. Verner in different houses in Belfast, Mr. Johnson having furnished him with the money, *ib.* 9751-9753——Explanation of the circumstances under which Mr. Johnson gave witness the money for the account of M'Ilwee and others; warm interest taken by Mr. Johnson in the Conservative cause, *ib.* 9829-9856. 9892-9896. 9903-9905.

Johnston, Edward. (Analysis of his Evidence.)—Produces a letter received by him from the witness, J. M. Backas, in April 1863; has not got any other letters to produce, 222. 232.

[Second Examination.] Witness, who is a cabinet-maker by trade, is a voter for Lisburn, and voted for Verner at the election in February 1863; 924-929——With regard to the letter already produced, it probably contained more when it first came to witness's hands; question hereon as to his having torn off part of the letter, 930-936. 1410-1413. 1766-1768——Witness does not recollect having received more than one letter from Backas, but will not swear that he has not, 937-950. 1769, 1770.

Witness went to Londonderry to ask Backas for his vote for Verner at the February election, but denies having offered him any money; examination hereon, as to witness having held up his hand whilst Backas counted over his fingers three times and promised his vote, 951-989. 1455-1461. 1469, 1470. 1513-1521——Statement as to witness having given Backas's brother 4 *l.* for some clothes for Backas, and 10 *s.* for himself, 971-977. 1645-1649——Circumstances under which witness and Backas left Derry for Belfast about ten days before the election, and stayed at Redpath's house there with about a dozen voters until the polling day; names of some of these voters, 991-1057. 1121-1133.

Part taken by witness in ordering what was eaten and drank by the voters during the ten days' stay in the house at Belfast, 1034-1048. 1079-1097——Statement as to the polling of witness, and of the voters who accompanied him from Belfast; they did not all first go to any tally-rooms, 1057-1078——Conversation at times about money whilst the voters were at Belfast; witness does not recollect having spoken specifically on the subject to any one voter in particular, 1098-1112——Explanation as to witness and others having on one occasion prevented a voter, named Golding, leaving his room in the house at Belfast, 1113-1120.

Mention of several persons who visited witness and the other voters whilst staying at Belfast before the February election, 1134-1147——Circumstance of witness having given 5 *l.* to Backas some days after the election; he had spoken to several about giving Backas something for his loss of time, and thinks he received the 5 *l.* for him from a person named Herman, 1148-1171. 1232-1242. 1657-1666——Statement as to witness having expected to receive some money for his loss of time, and his expenses and services, and having applied on the subject to some active supporters of Mr. Verner, but without success, 1152-1174. 1214-1285.

Examination as to the circumstances under which witness received 3 *l.* from some one at Lisburn to fetch Backas from Derry; he does not know who gave him the 3 *l.*; 1198-1213. 1254-1256——Witness, in conversation with Mr. Strangman, may have said he had been badly used by the Verner party, and had written some threatening letters on the subject, 1274-1287——Explanation as to witness having said that for 200 *l.* he would give evidence in favour of the petition; suggestion made on this occasion by Mr. Kennedy, whether 50 *l.* in hand and 50 *l.* in half notes would not do, 1288-1306.

Further evidence as to witness having received 3 *l.* to fetch Backas from Derry; persons in the room when this was given him, that is, at the Hertford Arms, Lisburn, 1307-1385. 1633-1642——Offer made to witness at Belfast a few weeks ago, if he would give information in favour of the petition; persons present on this occasion, 1386-1409——Statement to the effect that witness and the men who were with witness at Redpath's, in Belfast, were all willing voters for Verner, and that the object of their being there was to keep out of the way, and avoid being annoyed or tampered with, 1414-1454. 1464-1466. 1494-1499——Neither after nor before the February election did witness promise Backas any money, nor was he authorised to do so, 1461. 1469, 1470.

Witness expected to be repaid the 4 *l.* he gave Backas for clothes, but cannot name any one as the person from whom he expected the money, 1462, 1463. 1471-1492——Statement as to witness having at first contemplated voting for Barbour, and as to the cause and the period of his change of resolution, 1500-1521. 1758-1765——Examination as to the character of the information which witness recently told Mr. Wilson and others at Belfast he could give in support of the petition; he may have said he could complete the case of Backas, and other cases, although he could not really do so, 1525-1574. 1626-1631.

Witness has not received anything since the February election on account of the expenses to which he was put, 1575——Further evidence as to the treatment of the voters in Redpath's house at Belfast, to the effect that they were not forcibly kept within doors, although they did not go from the house for ten days, 1576-1615——Part taken by witness in ordering drink for the voters, further adverted to; he did not know who was to pay for it, 1616-1625. 1656-1660.

Statement

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Johnston, Edward. (Analysis of his Evidence.)—*continued.*

Statement as to witness having gone to Londonderry to ask Backas for his vote for Verner in June; money advanced to witness on this occasion for his expenses, 1667–1679. 1683–1691. 1722, 1723——Conclusion arrived at by witness in June that Backas had been bribed by the opposite party; grounds for this conclusion, 1680, 1681. 1692–1700. 1724–1751——With regard to the 3*l.* received by witness for fetching Backas in February; he further denies all knowledge of the person who gave it to him, 1701–1721. 1752–1757——Reasons assigned by Backas for not supporting Verner at the June election, 1743–1748.

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Jurisdiction of the Committee. Adjournment of the Committee, and subsequent termination of the inquiry on account of the absence of Mr. Stirling from the sittings of the Committee, there being no longer a proper jurisdiction, *Ev. p.* 208, 209.

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K.

Kennedy, Robert. (Analysis of his Evidence.)—Is a flour merchant at Lisburn, and a voter; is uncle of Mr. Barbour, who was returned at the election of February 1863; 7025–7027. 7069——Was a creditor of the witness David M'Night, and was present at a meeting of the creditors in May 1863; 7028–7045. 7063–7067——Discussion at this meeting in consequence of M'Night having returned Thomas Pelan as a creditor for only 10*l.*, whilst the latter claimed for 40*l.*; understanding of those present that the 30*l.* was deducted in consideration of M'Night having voted for Verner, 7046–7062.

Witness canvassed for Barbour at the February election, 7068-7070——Statement as to witness having canvassed a voter named Kenny Boomer, in February, who said that Mr. Jefferson had offered 25*l.* for his vote for Verner, 7071–7082——Conversation between witness and Jefferson about Boomer's vote, when each accused the other of raising the market price of votes; conversations of this kind were frequent at the February election, 7073–7088—— The current price in February was 10*l.*, 15*l.*, and 20*l.*; 7079.

With regard to Boomer, Jefferson said he had offered only 15*l.* for his vote, and that Boomer told him that witness had offered 25*l.*; 7082–7084——Part taken by Samuel Young in discussions about the market price of votes in February, 7086, 7087. 7093——Also by Henry Major, 7086–7088.

Arrangement entered into between Jefferson and witness, that neither should pay Boomer anything, 7089——Also that if Boomer voted for Barbour, witness should neutralise his vote by polling for Verner, and if for Verner, then that Jefferson should vote for Barbour, 7090–7093——Disagreement on the polling morning between Jefferson and witness about the foregoing arrangement, on account of the former having said that he would vote at ten o'clock for Verner, 7094–7102.

[Second Examination.]—Statement as to Mr. Richardson of the Island having been made aware of the arrangement about Boomer, 7103–7117——Mr. Richardson was present at the poll, as a magistrate; he took no active part on either side, but he voted for Barbour, 7105–7107. 7118——Mr. Strangeman is a relation of Mr. Richardson, and is manager of his works, 7119–7124.

The conversation between Jefferson and witness about Boomer's vote, was three or four days before the election, 7125–7141——Boomer did not vote, 7139——Witness denies having offered Boomer any money for his vote, 7142–7149. 7165–7176——Boomer said he would not vote under 25*l.*, and offered witness the preference at the price, 7142–7149. 7173, 7174.

Object of the compact with Jefferson to punish Boomer, because he had been putting witness and Jefferson against each other with regard to price, 7149–7159——Witness repeats that Jefferson admitted to him that he (Jefferson) had offered 15*l.* for Boomer's vote, 7160–7164——Presence of Sam Young when the compact in question was made, 7177–7182.

Considerable excitement in the town for several days before the election in February, during the canvass, 7183–7191——Removal of several voters from the town by Verner's people, on the Monday preceding the day when Mr. Verner began his canvass, 7186. 7191, 7192——Removal also of several voters to Mr. Barbour's premises at Hildon, where they were confined, and were protected by a body of men; this was not till after voters had been removed by the opposite party, 7193–7197. 7287–7293. 7302–7311. 7319, 7320.

Some of the voters at Hildon had previously voted for Mr. Richardson of Lanbeg, who was a Liberal Conservative, but none were sent there unless they were supposed to be in Mr. Barbour's interest, 7198–7204. 7276–7284——Witness is not aware of any application by any of the voters at Hildon to be allowed to leave the place, 7205–7207.

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Kennedy, Robert. (Analysis of his Evidence)—*continued.*

Application made by Mr. Richardson of the Island, and Mr. Barbour, senior, for an additional force of police during the election, 7209-7222——A riot was apprehended, a large body of Orangemen having been expected to attend, 7213——Presence during the canvass of a number of workmen in the interest of Mr. Barbour; witness did not see them parading the town in a body, 7223-7227——Witness has heard of attempts to get some of Mr. Verner's voters out of houses, but cannot speak to the fact, 7228.

Occurrence of several riots during the election in February; instances of injury to houses or voters on each side, 7229-7259——Employment of a party of butchers in removing and guarding Barbour's voters; they were very useful, 7259-7275. 7319, 7320——Instance of a voter who came to witness and wished to be sent to Hildon, out of the way of Verner's people; this was the only application of the kind made to witness, 7276-7282. 7309, 7310——Witness knows nothing of the arming of the butchers with bludgeons, but heard there were armed men at Hildon, 7285, 7286. 7302-7304.

Conversation at the signing of the return at the February election in regard to the prospect of a petition, 7294-7301——The voters at Hildon went partly of their own will, and partly were "coaxed," 7310——They left Hildon for the committee rooms, at M'Creight's, on the evening before the polling, and stayed there during the night, 7311-7318.

L

Legal Committee. Names of the several gentlemen who acted as solicitors for Mr. Verner, and who composed his legal committee in February, *J. Richardson* 5235-5245. 5587-5596.

Lennan, Jane. (Analysis of her Evidence.)—Assists her mother in the management of the Hertford Arms, at Lisburn, 7690-7695——Is not aware that any room or rooms were engaged at the Hertford Arms for Mr. Verner's party during the February election, or that any payment was arranged or received in receipt of such rooms, 7696 *et seq.*——There are two rooms on the first floor in which Mr. Moore and others used sometimes to sit, but, so far as witness knows, they were not engaged before the election, nor were they paid for, 7700 *et seq.*——No accounts were kept at the Hertford Arms relative to the election, and witness has not with her the regular books kept, 7732-7742. 7745.

Lennan, Margaret. (Analysis of her Evidence.)—Is a daughter of the landlady of the Hertford Arms Hotel; sometimes keeps the books of the hotel, 7751-7754——A room in the hotel on the first floor, with a wooden partition across it, was used by Mr. Verner's friends at the February election, and was subsequently paid for by Mr. Thomas Calbeck, 7755-7766——The room was not engaged before the election, and witness does not recollect how much was paid for it; she has no books or accounts to produce on the subject, 7759-7808.

Any refreshments ordered by Alexander M'Cann, or any one else, to be sent to Mr. Verner's room, were paid for at the time, 7809-7830——With regard to the witness, Arthur Gamble, he was in a drunken state one evening at the Hertford Arms; Mr. George Wilson did not behave roughly towards him, 7831-7844.

M

M'Call, Hugh. Attack made during the February election upon the house of M'Call, a voter for Barbour, *Kennedy* 7235-7238.

M'Cann, Alexander. Application made to the Committee for an order to compel the attendance of Alexander M'Cann, a witness for the petition, said to be keeping out of the way, *Ev. p.* 135——Letter received by the Chairman of the Committee, proposing to be a medical certificate that M'Cann is unable to appear before them on account of severe illness, *ib.*——Statement by the Chairman that the Committee would grant the order applied for; undertaking given thereon by petitioner's counsel, *ib.* 136.

Witness does not recollect having recommended M'Cann to Mr. Verner as a person likely to be useful during the election, *J. Richardson* 2529-5540.

Witness, who is clerk to Messrs. Wyatt and Metcalf, explains that, in consequence of the non-attendance of Alexander M'Cann as a witness, he has recently seen him on the subject, when he appeared in his usual health; difficulty in ascertaining his place of abode, *Stubbs* 6477 *et seq.*——Witness told M'Cann that a medical certificate as to his health must be verified by affidavit of the doctor's signature, *ib.* 6530-6532.

Alexander M'Cann was one of the persons seen by witness in Mr. Verner's rooms, at the Hertford Arms, *Crawford* 8243-8250.

Witness was not introduced to Mr. Alexander M'Cann until after the election, and is not aware that Mr. M'Cann acted as personation agent on his behalf on the polling day, *Verner* 8418-8421. 8427-8434——Witness knows Alexander M'Cann, but has no recollection of his being in his office at the time of the February election, *Waring* 8854-8866.

See also *Bribery* I. 3.

M'Cann,

Report, 1864—*continued.*

M'Cann, Thompson. Services, as clerk, rendered by a person named Thompson M'Cann, in the rooms at the Hertford Arms, in February; doubt whether he was paid anything, *J. Richardson* 5409-5415——Statement that Thompson M'Cann was not engaged as clerk at the Hertford Arms, *Waring* 8867-8871.

M'Creight's Hotel. Attack made during the February election upon M'Creight's Hotel where Mr. Barbour's committee-rooms were, *Kennedy* 7239-7242.

M'Gourk, James. (Analysis of his Evidence.)—Identifies a letter which he wrote by the direction of John Orr, at Lisburn; it was written on the 21st June 1863; 8251-8259.

M'Ilwee, Elizabeth. (Analysis of her Evidence.)—Has no accounts or papers to produce relative to the February, 1863, election, 8166, 8167.

[Second Examination.]—Statement that the Lisburn men in witness's house (the Vine Hotel, Belfast,) in February were not restrained from leaving, and could move about as they pleased, 9410-9428. 9455-9461——Practice in regard to the providing of the voters with meals and refreshments; anything not paid for at the time was entered in a small book, 9420, 9421, 9455-9473——Statement as to witness not having brought to London the books of the hotel, although served with a notice to do so; there is nothing in them relating to the Lisburn voters, 9435-9473.

M'Ilwee, Robert. (Analysis of his Evidence.)—Has no books or accounts to produce relative to the election in February 1863; 7851, 7852.

[Second Examination.]—Witness keeps the Vine Hotel, at Belfast, and had some Lisburn voters staying there for ten or twelve days before the February election, 9474-9477——George Ingram had previously apprised witness of the coming of the voters, 9478-9481——Witness never instructed George Morley to prevent the voters from leaving the house, and states that not only was there no restraint upon them, but that they remained there quite contentedly, 9482-9487. 9545-9552. 6562 *et seq.*——Information relative to the meals and refreshments provided for the voters, and the rates charged, 9488-9496. 9530-9533.

Evidence as to efforts having been made by some of Barbour's party to get to the voters, and as to a person of the name of Watson having offered witness 150 *l.* to allow him access to the rooms where they were, 9497. 9686 *et seq.*——The charges for the voters were entered in a small pass-book, which witness has since left in the office of Mr. Johnson at Belfast, 9533-9541. 9553-9561. 9605-9607.

Particulars as to witness having been paid 40 *l.* by George Ingram, which was about 2 *l.* less than he had put down, 9542-9544. 9608-9642——Witness heard Watson offer the men 25 *l.* a piece for their votes for Barbour, 9574. 9660, 9661——Steps taken for preventing Barbour's people from communicating with the voters; dread entertained of their being taken away by the Barbourites, 9562-9602. 9646-9683.

McNeilly, John. (Analysis of his Evidence.)—Has never had any books of account relative to the elections in February and June 1863; 7853, 7854.

Second Examination.]—Witness keeps a public-house and posting establishment at Belfast, to which six men were brought from Lisburn some time in February 1863, and remained for eight or nine days, 8596-8603——The men might have left the house if they so wished, and their friends were admitted to see them, 8604-8612——Particulars as to the charge made by witness for the keep of these men, and for drink supplied to them, and for car hire; the total did not exceed 17 *l.*; 8613 *et seq.*

Explanation as to the payment of witness by Mr. W. J. Johnson, town councillor of Belfast, 8620-8640——Statement as to the items of charge not having been entered in a book, but only a slip of paper, 8632-8638. 8658-8665——Charge made by witness of about 2 *l.* for car hire, it having been found necessary to remove the voters of Mr. Verner who were in Belfast from one place to another, out of the way of Barbour's people, 8657. 8666-8671.

M'Night, David. (Analysis of his Evidence.)—Grocer at Lisburn; is a voter for the borough, 5920, 5921——Was in embarrassed circumstances in the beginning of 1863, and had to compound with his creditors, for which purpose a meeting was held on 13 May, 5922-5930——In the list of creditors the name of T. R. Pelan is down for 10 *l.*, whereas Pelan claimed as a creditor for 40 *l.*; this was a mistake on witness's part, he having borrowed 40 *l.* from Pelan some time before the February election, 5931 *et seq.*——Pelan had spoken to witness about his vote, and he replied that he would undoubtedly vote for Verner; no money passed on this occasion, 5945-5953.

Examination to the effect that witness was not paid for voting for Verner, and that he never said he had given good consideration to Pelan for 30 *l.*; explanation offered hereon, as well as upon the circumstance of witness, before becoming a bankrupt, having paid 10 *l.* to Pelan, rather than have an action about the matter, 5945 *et seq.*

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Magistrates. Explanation as to the manner in which witness and Mr. Orme, as magistrates, dealt respectively with the Vernerites and the Barbourites brought before them on arrest by the police in February, *J. J. Richardson* 7526-7566——Way in which the voters at the February election were dealt with by Mr. Orme and witness, further adverted to, *ib.* 7627-7638. 7649, 7650——Concurrence of Mr. Orme and witness with regard to everything brought before them in connexion with the February election, *ib.* 7650——There were three stipendiary magistrates at the February election, *ib.* 7660, 7661.

Maintenance of Voters. See *Abduction or Detention of Voters. Expenditure. Johnson, William John.*

Major, Henry. Henry Major took part, on the side of Mr. Barbour, in the discussions about the market price of the February votes, *Kennedy* 7086-7088.

Circumstance of witness having seen a voter being driven off by Henry Major to Mr. Barbour's place at Heldon, which voter had promised the day before to support witness, *Verner* 8561.

Military. Employment of military as well as police on the polling-day in February, *W. Stewart* 6451, 6452——There were 250 infantry and 90 cavalry in the town at the February election; these were sent on the request of the Sheriff of Antrim, *J. J. Richardson* 7660. 7678-7688——*See* also *Riots.*

Miller, Esther. (Analysis of her Evidence.)—Is wife of Robert Miller, a voter of Lisburn, in the employment of Mr. Barbour, 2354-2360. 2411-2415——Statement as to Mr. Verner and Sam Young having come to witness's house about the 10th or 15th February 1863, whilst her husband was out, and as to Mr. Verner, after asking her to fetch her husband home, having left the room whilst Young remained, 2361-2364. 2393-2395. 2415-2426. 2579-2583——Statement also as to Young having subsequently offered 50*l.* if witness would bring her husband home, and if he would vote for Verner; her daughter was present on this occasion, 2383-2395. 2579-2583.

Witness frequently saw Young with Mr. Verner at the election time, 2396-2403——She also saw Mr. David Beattie with Mr. Verner, when canvassing, 2404-2410——Witness denies having had any conversation about the election, except with her husband; she does not remember having said to one John Ward, or any one else, that she would swear anything to put Verner out, 2427 *et seq.*——She did not receive any money before coming to London, but her travelling expenses were paid for her, 2491-2505.

Statement as to witness's husband having been at Hildon for eleven days from home before the election, in order to be out of the way of Verner's people; other persons also at Hildon with him, 2506-2578. 2584-2615——Circumstance of witness not having told her husband of the visit of Mr. Verner and Young, when she went to see him at Hildon, 2559-2561. 2584-2589——On the Thursday before the polling day witness's husband and other voters of Mr. Barbour came from Hildon to Lisburn, and her husband returned home an hour or two after the polling on Saturday, 2616-2635.

Explanation in connexion with witness's husband having voted for Richardson at the election in June, 2636-2654.

Further examination in denial of witness having spoken to Ward about the election; conversation on the subject with Mr. Bannister, her landlord, 2860 *et seq.*—— Further reference to the circumstances connected with witness leaving Lisburn for Belfast and London, and with the payment of her expenses, 2921-2929.

Miller, John. Injury done during the February election to the house of John Miller, who was in the Barbour interest, *Kennedy* 7230-7234.

Miller, Margaret (Analysis of her Evidence.)—Is daughter of Robert Miller, voter of Lisburn; is in her twelfth year, 2655-2659——Saw Mr. Jefferson, Mr. Beattie, and Sam Young about the streets with Mr. Verner at the time of the election in February 1863; 2660-2671. 2749-2777. 2839-2842——Heard Sam Young offer her mother 54*l.* with reference to her father's vote; examination hereon, as well with reference to a conversation subsequently between her mother and a man of the name of Ward, 2672 *et seq.*

Mobs. See *Riots.*

Moore, John Hamilton. Opinion that Mr. Moore, of Dublin, took a more active part than Mr. Waring, as solicitor for Mr. Verner at the February election, *J. Richardson* 5702-5706——Mr. Moore was one of witness's managing agents at the February and June elections; at the former election he, mainly, transacted the business, *Verner* 8341-8343. 8356-8362——Very serious illness of Mr. Moore, so that he is quite incapable of attending before the Committee, *ib.* 8344-8353——Witness would only have been too glad to have secured Mr. Moore's services during the progress of the petition, *ib.* 8350-8352.

Statement

Report, 1864—*continued*.

Moore, John Hamilton—continued.

Statement that, in consequence of the long and serious illness of Mr. Moore, witness has not yet been furnished with accounts of his agent's expenses, either for the February or June election, *Verner* 8378–8381. 8383–8505. 8558.

Testimony as to the long and severe illness of Mr. John Hamilton Moore, of Dublin; certificate of Dr. Mayne to this effect, *Bradley* 8586–8595.

Chief conduct of the February election by Mr. Moore, witness assisting him in various ways, *Waring* 8685–8696. 9220–9235——Mr. Moore never gave witness any instructions upon the score of the voters being corruptly influenced, *ib.* 8790–8793.

Morley, George. (Analysis of his Evidence.)—In the month of February was a waiter in the service of Mr. M'Ilwee, of the Vine Hotel, Belfast; is now a gentleman's servant, 7867–7873——Books were kept in the hotel at the time of the election, 7874–7876. 7947–7949——Before the election about thirteen or fourteen men came to the hotel, where everything they wanted was provided for them, and was entered in a small account book, 7877 *et seq.*——George Ingram, of Belfast, often came to the hotel, and said the men were to have everything they wanted, 7883–7885. 7900——The men were not allowed to leave the house; instructions given to witness to prevent their doing so, another person having also been employed for the purpose, 7887–7900. 7924–7935.

Statement as to some of the men having left before the others; the last lot went away on a Friday, 7936–7942——Names of several of the men, 7943–7945——They had no change of clothes with them, 7946——Belief as to Mr. and Mrs. M'Ilwee having been paid for the men's expenses at the hotel, 7952–7954——Witness applied to George Ingram for some payment for his trouble in looking after the men, and was referred by him to Alexander M'Cann, but did not get anything, 7953–7963.

Examination upon the question of Mr. Strangman and witness having recently been in communication upon the subject of witness's evidence, 7964–7987——Particulars as to the antecedents of witness, and as to his present position as butler to Captain Adair, near Belfast; refutation of imputations in respect of his past modes of employment, 7988–8023. 8151–8165——Further assertion in regard to the restrictions upon the liberty of the men at M'Ilwee's, 8024 *et seq.*——Repeated statement as to the liberal manner in which the men were supplied with food and drink, 8062–8069.

Witness is not aware of any money having been offered by any one in order to get some of the men away from the Vine Hotel; nothing was offered to witness to assist in so, 8113–8132——Explanation as to witness having recently asked a man of the name of Parkes if he could swear that he was at liberty to leave the hotel, witness persisting that Parkes wanted to leave, and the latter having partially denied it, 8133–8150.

Munce, Robert. Part taken by a man named Munce, in detaining witness in Stephenson's public-house in Lisburn against his will; this was about a fortnight before the election in February 1863, *A. Gamble* 3445–3451. 3481–3507. 3887–3915. 3949–3959——Inducement held out to witness by Munce to vote for Verner, *ib.* 3472–3475.

N.

Naylor, James Richard Edward. (Analysis of his Evidence.)—Produces the writ and return of the Lisburn election of June 1863, the return being dated 26th June 1863; 1–6——Also the writ and return of the election in February 1863, the date of the return being 23d February, 286–289.

O.

Orangemen. The town was in a disturbed state in February, but witness does not know that there was at any time an Orange mob there from Belfast, *J. Richardson* 5545–5558——On the evening when certain voters were leaving Stephenson's house for Belfast, a band belonging to Orangemen came into the town, and many people with it, *Goudy* 6864–6881——Apprehension before the election in June, that a large number of Orangemen would be in the town, on the Verner side, and would create a riot, *Kennedy* 7213.

Orme, Mr. See *Magistrates.*

Orr, Agnes. (Analysis of her Evidence.)—Is wife of the witness, John Orr, 3135——Absence of her husband from home for several days preceding the election in February 1863; 3136–3139——Visit of Mr. Verner, Mr. Beattie, and another gentleman to witness during her husband's absence; conversation of witness with Mr. Beattie on the subject of something being given for her husband's vote, she having first asked 50 *l.* for it, 3140–3200——3409–3419——Conversation on two occasions between Redmund Jefferson and witness relative to her husband's vote, witness asking 50 *l.*, and Jefferson saying he could not go beyond 25 *l.*; 3201–3231. 3330–3338. 3343–3363. 3420–3426——Witness frequently saw Mr. Verner and Jefferson in the street together, 3227–3240.

Report, 1864—*continued.*

Orr, Agnes. (Analysis of her Evidence)—*continued.*

Statement as to Mr. Herman having offered witness 65 *l.* for her husband's vote for Verner in June, 3241–3267. 3364–3366. 3401–3403. 3427–3435——Anger felt by witness at the time that, notwithstanding the offers made by Jefferson and Herman, and the absence of her husband from his work for several days, nothing was obtained for his vote; she denies, in fact, that anything was given him or her by the Barbour party, 3255. 3276 *et seq.*——Willingness of witness to have taken 50 *l.* or 25 *l.* for her husband's vote for Verner; obstacle through his being away at Hildon with Barbour's party, 3316 *et seq.*

Orr, John. (Analysis of his Evidence.)—Voted for Mr. Barbour at the February election in 1863, and for Mr. Richardson at the election in June, 2930–2933——At the time of the February election saw Mr. Jefferson, Mr. Beattie, and others about the streets with Mr. Verner, 2934–2937. 2947–2959——Statement as to Jefferson having first offered witness 10 *l.*, and then 20 *l.* for his vote for Verner in February; witness said he would see him again, but did not, 2938–2946. 2960, 2961. 3032, 3033——For about nine days before the election witness stayed at Hildon, intending to vote for Barbour, 2962–2964.

Statement as to Jefferson and John Herman having seen witness about voting for Verner at the June election, and as to Herman having offered himself and his wife 65 *l.* for his vote, 2967–3010. 3034–3051——Examination as to the circumstances under which witness went to Hildon, and stayed there for several days before the polling; there were several other voters there, 3011–3024. 3078–3082. 3090, 3091——Statement made by witness shortly after the June election, and taken down in writing, as to the offer made by Herman, 3054–3071. 3103–3114.

Witness denies that he got any money for his vote for Barbour in February, or for his vote for Richardson in June; nor is he aware that his wife got anything, 3072–3077. 3083–3093. Total of 5 *l.* 5 *s.* received by witness for his own and his wife's expenses on coming to London, 3094–3102——Further examination as to the circumstances connected with the offer of 65 *l.* made by Herman, 3120–3134.

P.

Parkes—(*Abduction of Voters.*) A man of the name of Parkes wanted to leave the Vine Hotel, Belfast, at the time of the February election, but was not allowed, *Morley* 8045–8048——Explanation as to witness having recently asked Parkes if he could swear that he was at liberty to leave the hotel; witness persisting that Parkes wanted to leave, and the latter having partially denied it, *ib.* 8133–8150.

Pelan, Thomas R. Interest taken in Mr. Verner's behalf in February, by Mr. Pelan, a woollen draper at Lisburn, *J. Richardsan* 5391–5399. *See* also *Bribery* I. 6.

Petition. Explanation as to witness having said, that for 200 *l.* he would give evidence in favour of the petition; suggestion made on this occasion by Mr. Kennedy, whether 50 *l.* in hand and 50 *l.* in half-notes would not do, *Johnston* 1288–1306——Offer made to witness at Belfast, a few weeks ago, if he would give information in favour of the petition; persons present on this occasion, *ib.* 1386–1409——Examination as to the character of the information which witness recently told Mr. Wilson and others at Belfast, he could give in support of the petition; he may have said he could complete the case of Backas, and other cases, although he could not really do so, *ib.* 1525–1527. 1626–1631.

Reasons assigned for the false statement made by witness to those acting for the petitioner; 10 *l.* was given to his wife, and tickets for his and her expense in coming to London, were also provided for them, *W. Stewart* 6356–6378. 6459–6466——Promise made to witness by Mr. Con O'Neil, and Mr. Strangman, with reference to the information to be given by her on behalf of the petition; she received 10 *l.*, besides a ticket for her expenses to London, and was promised 10 *l.* more, *Elizabeth Stewart* 6658–6674. 6780–6786.

Witness, who is a solicitor in Dublin, has been engaged in collecting evidence for the petition, *Henry* 6807–6809——Neither Mr. Strangman nor witness ever promised William Stewart or his wife any money for giving evidence; but, on the contrary, distinctly told them, that only their expenses for loss of time would be paid, *ib.* 6810–6827——Explanation as to 10 *l.* having been given to Mrs. Stewart for their expenses, whilst return tickets were also given to them subsequently, *ib.* 6817–6853——On first seeing Mrs. Stewart, she refused to make any statement, and said she had not been paid what was promised by Con O'Neil, *ib.* 6822–6832——Mrs. Stewart told witness she had spent all the 10 *l.* first given to herfor her and her husband's expenses, and could not come to London; tickets were then provided for them, *ib.* 6849–6853.

Conversation at the signing of the return at the February election, in regard to the prospect of a petition, *Kennedy* 7294–7301.

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Petition—continued.

Responsibility of witness for the expenses of the petition; particulars hereon as to the amount of subscriptions towards the expenses, including a subscription of 200 *l.* from himself, *J. J. Richardson* 7416–7420. 7473–7491——Total of 750 *l.* already supplied by witness to Mr. Strangman, out of the subscriptions, in respect of the petition, *ib.* 7473–7489——The total amount subscribed and promised is about 1,300 *l.*, *ib.* 7477–7482.

Further evidence relative to the subscriptions for the expenses of the petition, and the part taken first by Mr. Joint, solicitor, of Dublin, and subsequently by Mr. Strangman, in relation thereto, *J. J. Richardson* 7576–7611.

Witness was not cognisant of any understanding during the February election, that there should be no petition on either side, whether himself or Mr. Barbour were returned, *Verner* 8566, 8567.

See also *Tampering with Witnesses.* *Witnesses' Expenses.*

Petitioner. Statement as to Mr. Richardson not having been nominated in June till the day of polling, so that he had no election agent; he was then nominated by a nomination in writing by two electors, and by the same two electors verbally, *Bottomley* 872–882. 908–916——The polling (in June) was exclusively for Verner for some time after the poll opened, and before there were any votes for Richardson, *ib.* 892–907.

Mr. Richardson, the petitioner, was present at the poll in February, as a magistrate; he took no active part on either side, but he voted for Barbour, *Kennedy* 7105–7107. 7118.

Witness was Member for Lisburn from October 1855 till the dissolution of Parliament in 1857, when he retired, *J. J. Richardson* 7324. 7689——Witness voted for Mr. Barbour in February, but did not take any active part in the election, *ib.* 7391——Explanation of the circumstances under which witness came forward as a candidate, on the retirement of Mr. Barbour, on the polling day in June, *ib.* 7427–7466——Witness was asked on the 10th June to come forward as a candidate at the election then ensuing, but declined, *ib.* 7573–7575——Witness was nominated in writing by John Miller and Henry Major, *ib.* 7612–7614.

See also *Petition.*

Police. Application made by Mr. Richardson of the Island, and Mr. Barbour, senior, for an additional force of police during the election in February 1863, *Kennedy* 7209–7222——Explanation in regard to a requisition by Mr. Greig and Mr. Stannas, magistrates, for an additional police force at the election in February 1863; concurrence of witness in this requisition, *J. J. Richardson* 7325–7344——Large number of police and military in Lisburn during the February and June elections; use made of them, *ib.* 7659–7671. 7678–7688.

Poll-books. Witness as Clerk of the Crown and Hanaper Office in Dublin, produces the poll-books for the Lisburn election for June 1863; also for the election in February 1863, *Cusack* 7–9.

Polling of Voters. Mention of several persons who seemed active on Mr. Verner's behalf on the polling day, *W. Stewart* 6197–6242——Witness was not at the "Hertford Arms" on the polling day in February, and does not recollect having been at Bannister's, *ib.* 6214–6232——Circumstance of both military and police having been employed in guarding the voters during the polling in February, *ib.* 6451, 6452——Use of the military and police in escorting voters to the poll in February, *J. J. Richardson* 7663–7671——Absence of any serious difficulty in polling the voters in February; strong force of military and police for their protection, *Waring* 9402–9409.

See also *Abduction or Detention of Voters.* *Riots.* *Tally Rooms.*

Price of Votes. See *Bribery.*

Printing Expenses. By the order of Mr. David Beattie, witness printed several copies of a circular and a poster in February 1863, and sent the account in the first instance to Mr. Beattie, *Johnson*, 5767–5803——Mr. Beattie said that Mr. Irwin would pay witness's account, which came to 2 *l.* 2 *s.* 6 *d.* altogether, but it was ultimately paid through Mr. Lucas Waring; delay in payment adverted to, *ib.* 5778–5809. 5828–5843——Witness made out his account to the committee of Mr. Verner, because he concluded there was always a committee on such occasions, but he considered that Mr. Beattie was responsible for payment, *ib.* 5811–5843.

A certain bill for printing expenses in February was paid by witness, but not until he had first made inquiry that it was an authorised expenditure, *Waring.* 8700–8716——Examination relative to the items paid for printing expenses at the February election, *ib.* 8832–8852. 8997–9012. 9157–9167. 9202, 9203.

Protection of Voters. See *Abduction or Detention of Voters.*

Public Houses. Closing of the public-houses at six o'clock each evening at the election in February 1863, in consequence of a serious riot on the night of the 10th February, *J. J. Richardson* 7654, 7655.——*See* also *Abduction or Detention of Voters.*

R.

Redpath, William. (Analysis of his Evidence.)—Does not keep any books; kept an account at the time of the February election, but has parted with it since, 7859-7863.

Register of Voters. Witness's brother, although on the Borough Register, is only about nineteen years of age, *E. Backas* 855–857.

Removal of Voters. See *Abduction or Detention of Voters.*

Richardson, Alexander. (Analysis of his Evidence.)—Is son of Mr. Richardson, of Lanbegg, the late Member for Lisburn, 5710——Was canvassed for his vote and interest at the February election by Mr. Verner and Mr. Crossley, and was shown a paper by them containing a list of some of Mr. Verner's supporters, 5711–5738. 5761, 5762——Nothing material was said about any of the names on this list; remark by Mr. Crossley that Redmond Jefferson, who was on the list, was understood to be a good hand at electioneering, 5739–5757——Witness voted for Mr. Barbour in February, but was not in the town previous to the polling day, 5757. 5759. 5763.

Richardson, Jonathan. (Analysis of his Evidence.)—Resides at Glenmore, near Lisburn: is extensively engaged in Lisburn as a manufacturer, 5149–5152——Is cousin of Mr. Richardson, of Lanbegg, the late Member for Lisburn: was aware of his intended retirement early in 1863; 5153–5155——Has always voted on the Conservative side, but never had much to do with any election previous to that in February 1863; 5156. 5163–5168——Early in January Mr. Barbour declared his intention of coming forward, 5169——Mr. Bateson was invited to appear in the Conservative interest, and came to Lisburn, but retired about the 19th January, 5170–5183.

From the 19th January to the 9th February, there was no candidate on the Conservative side, 5184, 5185——Mr. Verner came to Lisburn on the 9th or 10th of February, and at once issued an address and commenced his canvass, 5186–5207——Witness accompanied Mr. Verner on his first day's canvass, and afterwards went with him to the Hertford Arms, where his solicitors had engaged rooms, 5191–5231——Visit of Mr. Verner and witness to Mr. Lucas Waring's office, 5210–5220——Mr. Beattie, Mr. Jefferson, and Mr. Samuel Young were with Mr. Verner on his canvass, 5223–5227.

Names of the several gentlemen who acted as solicitors for Mr. Verner, 5232–5245——Interest taken in Mr. Verner's cause by Mr. C. M. Arundel, a wine merchant, of Belfast, 5246–5251——Evidence to the effect that witness's name was in the first instance put down without his consent, as chairman of Mr. Verner's legal committee, and that some circulars were issued with his name as chairman, but that he really was not chairman of any Committee, 5252–5298. 5367–5382. 5472. 5559–5565. 5654–5666.

Circumstance of witness having allowed the issue of circulars, without requiring the withdrawal of his name as chairman of committee, 5260, 5261. 5367–5372. 5565. 5654–5662——Character of the rooms at the Hertford Arms used by Mr. Verner, and termed, familiarly, Committee rooms, 5279–5283——Use of the rooms by Mr. Moore, one of Mr. Verner's solicitors, whilst Mr. Verner, witness, and many others of his supporters were frequently there, 5284–5293. 5383–5399. 5584–5596——Denial that there was in fact any committee on behalf of Mr. Verner, except that of his solicitors, 5294–5298. 5367, 5368. 5584–5611. 5662–5669.

Examination relative to a voter named Alister, in the employment of Mr. Richardson, the petitioner, who was kept at the Hertford Arms, and afterwards sent somewhere else, in order to be out of the way of Barbour's people, so that he might be free to vote for Verner: explanation of the part taken by witness in connection with this matter, 5299–5366. 5612–5619.

Prominent part taken by Mr. Redmond Jefferson in supporting Mr. Verner, both in February and June, 5400–5408——Services, as clerk, rendered by a person named Thompson M'Cann, in the rooms at the Hertford Arms in February; doubt whether he was paid anything, 5409–5415——Witness gave no orders for printing, or any other expenditure, and is not aware who did, 5416–5418. 5491–5496——He never sent a person of the name of Samuel Smith to ask a voter named James Crawford to vote for Mr. Verner, 5421–5431.

Statement to the effect that witness heard of some voters having been removed by Mr. Verner's party from Stephenson's public house in Lisburn to a house in Belfast, and that he took no steps to have them brought back again, 5432–5462. 5485–5490. 5680–5693——Slight information possessed by witness in regard to the use of tally-rooms for Mr. Verner's voters, 5465–5484——Witness is not aware whether Mr. Beattie or Mr. Jefferson

Report, 1864—*continued.*

Richardson, Jonathan. (Analysis of his Evidence)—*continued.*

son acted as treasurer, or whether there was any treasurer at all, 5492–5496. 5700, 5701——Nature of some conversation between witness and Edward Johnston about a voter named Backas, who was brought from Derry, 5497–5520.

Witness does not know that refreshments were constantly provided at the Hertford Arms, 5521–5528——He does not recollect having recommended M'Cann to Mr. Verner as a person likely to be useful during the election, 5529–5540——The town was in a disturbed state, but witness does not know that there was at any time an Orange mob there from Belfast, 5541–5544——He does not recollect having heard Mr. Beattie say on a certain occasion that the rooms used by Mr. Moore were Mr. Verner's committee-rooms, 5545–5558.

Statement to the effect that witness took no part in the February election beyond that of an independent supporter of the Conservative side; he did not control any of the persons employed in conducting the election, and had nothing to do with the expenditure or the bringing of voters to the poll, 5559–5568——Explanation as to witness having made representations to Mr. Orme, magistrate, and to Mr. Richardson, the petitioner, relative to some bludgeons for use by Barbour's people; they said they could do nothing in the matter, 5569–5572——Considerable excitement in the town, a large mob, on the side of Mr. Barbour, having been very violent, and having done much damage to the houses of Mr. Verner's supporters, 5573–5583. 5646–5653——Conclusion as to the necessity of protecting Mr. Verner's voters from the mob, by keeping them out of their reach, 5574–5583. 5638–5645. 5670–5679.

Further statement as to there having been no regular committee at the February election, 5584–5611. 5654–5669——Further mention of the names of the gentlemen composing the legal committee for Mr. Verner, as well of some of his principal supporters, 5587–5596. 5624–5637. 5702–5707——Witness has never proposed a candidate except at the February and June elections, and has not often acted as chairman of public meetings, 5694–5699——Opinion that Mr. Moore took a more active part than Mr. Waring, as solicitor for Mr. Verner at the February election, 5702–5706.

Richardson, Jonathan Joseph. (Analysis of his Evidence.)—Resides at the Island, near Lisburn; is a magistrate for the counties of Antrim and Down, 7321–7323——Was Member for Lisburn from October 1855 till the dissolution of Parliament in 1857, when he retired, 7324. 7689——Explanation in regard to a requisition by Mr. Greig and Mr. Stannas, magistrates, for an additional police force at the election in February 1863; concurrence of witness in this requisition, 7325–7344——Circumstances under which Mr. David Beattie told Mr. Orme, stipendiary magistrate of Belfast, that certain rooms at the Hertford Arms, used by Mr. Moore and others in February, were Mr. Verner's committee-rooms, 7345–7363. 7519–7525.

Application made to Mr. Orme by Mr. Beattie, witness being present, for a search-warrant, with regard to some bludgeons, said to have been made in large numbers at Hildon for the Barbour party; grounds upon which this was not acceded to, 7364–7375. 7492–7495. 7508–7515——Seizure of some half-dozen bludgeons by the police during the election time, 7376–7378. 7496–7507. 7567–7572——Arrest of several persons for rioting, on each side; these were brought before Mr. Orme and witness, 7379–7390.

Witness voted for Mr. Barbour in February, but did not take any active part in the election, 7391——Statement as to a young man named Allister, in witness's employment, having left his work one evening, and having eventually voted for Mr. Verner, 7392–7405——Circumstances under which the arrangement between Mr. Jefferson and Mr. Kennedy as to the voter Kenny Boomer, was referred to witness on the polling day, 7406–7415.

Responsibility of witness for the expenses of the petition; particulars hereon as to the amount of subscriptions towards the expenses, including a subscription from himself of 200*l.*; 7416–7420. 7473–7491——Total of about 25*l.* as the expense incurred by witness in respect of the June election, 7421–7426——Explanation of the circumstances under which witness came forward as a candidate, on the retirement of Mr. Barbour, on the polling day in June, 7427–7466——Understanding of witness on agreeing to come forward, that he was not to be called upon to pay any expense incurred previous to his being nominated, 7467, 7468——He has not paid anything in respect of the agents who acted at the poll, 7469–7471.

Total of 750*l.* already supplied by witness to Mr. Strangman, out of the subscriptions, in respect of the petition, 7473–7489——With regard to a certain letter from Mr. Richardson, of Glenmore, to witness, about the case of Allister, it was given up, with great reluctance, by witness, in order to correct Mr. Richardson's statement, that there was no committee for Mr. Verner, 7516–7518——Explanation as to the manner in which witness and Mr. Orme, as magistrates, dealt respectively with the Vernerites and the Barbourites brought before them on arrest by the police, 7526–7566. 7649, 7650.

Witness was asked on the 10th June, to come forward as a candidate at the election then ensuing, but declined, 7573–7575——Further evidence relative to the subscriptions

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Richardson, Jonathan Joseph. (Analysis of his Evidence)—*continued.*

for the expenses of the petition, and the part taken first by Mr. Joint, solicitor, in Dublin, and subsequently by Mr. Strangman, in relation thereto, 7576–7611——Witness was nominated in writing by John Miller and Henry Major, 7612–7614.

Further statement as to Mr. Beattie having spoken of Mr. Verner's committee, and as to witness having seen Mr. Moore and others in the room where this was said, 7615–7624——Way in which the rioters at the February election were dealt with by Mr. Orme and witness, further adverted to, 7627–7638. 7649, 7650——Support given to Mr. Verner both in February and June, by Captain Ward Coulson, 7639–7648——Further explanation as to Mr. Orme and witness not having acceded to the application relative to the bludgeons, 7650–7652.

Serious riot in the town on the night of the 10th February, and steps taken by the magistrates in consequence, 7653–7655——Slight extent to which any personal violence was inflicted during the rioting, 7656–7658——Large number of police and military in Lisburn, at the February and June elections, 7659–7662. 7678–7688——There were three stipendiary magistrates at the former election, 7660, 7661——Use of the military and police in escorting voters to the poll in February, 7663–7671——Barbour polled 140 votes in February, and Verner 134 votes, leaving 39 votes unpolled, 7672–7677.

Riots. Witness denies that whilst in Stephenson's hotel at Belfast, before the February 1863 election, he saw any violence committed by a party of butchers, who were on the side of Barbour, or any windows broken in the hotel by them, *A. Gamble* 3832–3886——Considerable excitement in the town in February; a large mob, on the side of Mr. Barbour, having been very violent, and having done much damage to the houses of Mr. Verner's supporters, *J. Richardson* 5573–5583. 5646–5653——Violence of the mob outside Stephenson's house, whilst Mr. Verner's voters were there, *W. Stewart* 6436, 6437.

Considerable excitement in the town for several days before the election in February, during the canvass, *Kennedy* 7183–7191——A riot was apprehended on the polling day in February, a large body of Orangemen having been expected to attend, *ib.* 7213——Occurrence of several riots during the election in February; instances of injury to houses of voters on each side, *ib.* 7229–7259.

Arrest of several persons in February for rioting, on each side; these were brought before Mr. Orme and witness, *J. J. Richardson* 7379–7390——Particulars relative to the treatment of the rioters on each side by the magistrates; how far any distinction can be said to have been made, *ib.* 7526–7566. 7627–7638. 7649, 7650——Serious riot in the town on the night of the 10th February, and steps taken by the magistrates in consequence, *ib.* 7653–7655——Slight extent to which any personal violence was inflicted during the rioting, *ib.* 7656–7658.

Excited state of the town on the first day of witness's canvass in February, so that he was obliged to have a guard of men to protect him from the violence of the mob, *Verner* 8291–8294. 8298, 8299——Instances of houses having been damaged at the time of the February election, *ib.* 8435–8442——Much quieter character of the election in June than in February, *Waring* 9400, 9401.

See also *Abduction or Detention of Votes. Bludgeons. Magistrates. Military. Orangemen. Police. Public Houses.*

S.

Scrutiny. Statement by the counsel for the petitioner, in explanation of the decision, that it is not intended to go into a scrutiny, *Ev. p.* 182.

State of the Poll (*February*, 1863, *Election*). Barbour polled 140 votes in February; and Verner 134, having 39 votes unpolled, *J. J. Richardson* 7672–7677.

Stephenson, George. (Analysis of his Evidence.)—Was election auditor at the Lisburn election of February 1863, and produces certain accounts which were handed to him by one of the agents for Mr. Verner, 2331–2349——Explains that the accounts were rendered to him by Mr. Lucas Waring, and not by Mr. Cromlin Irwin, although the latter was the only gentleman appointed under the statute as the agent for election expenses, 2334–2344.

Stephenson, Thomas. Witness has been served with a notice to produce books, but has none to produce, *Thos. Stephenson* 7845–7847——Injury done to Stephenson's house by the mob during the February election, *Kennedy* 7250. 7258.

Stewart, Elizabeth. (Analysis of her Evidence.)—Examination as to witness, who is wife of William Stewart, having removed yesterday to a different lodging, away from other witnesses for the petition; question hereon as to her having held communication with Edward Johnston, one of the Verner party, 6534–6589.

Statement

Report, 1864—*continued.*

Stewart, Elizabeth. (Analysis of her Evidence)—*continued.*

Statement as to witness's husband having voted for Mr. Verner, much to her satisfaction, 6590. 6593, 6594——Witness has known Mr. David Beattie, of Lisburn, as an old and kind friend for many years, 6591, 6592. 6595——She admits having had 4 *l.* from Mr. Beattie at different times after the June 1863 election, but states that it was borrowed to redeem some clothes out of pawn, and denies that it had anything to do with her husband's vote, 6596 *et seq.*

Examination relative to a statement recently made by witness at Belfast, to Mr. Henry, solicitor; if she then stated that Mr. Beattie said he would settle all but for the pending petition, she stated what was not true, 6623 *et seq.*——Promise made to witness by Con O'Neil and Mr. Strangman with reference to the information to be given by her on behalf of the petition; she received 10 *l.*, besides a ticket for her expenses to London, and was promised 10 *l.* more, 6658-6674. 6780-6786——Denial that witness has talked over with her husband about the evidence given by him before the Committee, 6675–6696.

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Stubbs, Robert Richard. (Analysis of his Evidence.)—Is clerk to Messrs. Wyatt and Metcalfe, and explains that in consequence of the non-attendance of Alexander M'Cann as a witness, he has recently seen him on the subject, when he appeared in his usual health; difficulty in ascertaining his place of abode, 6477 *et seq.*

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Tumblety, William. (Analysis of his Evidence.)—Has been served with a notice to produce books of accounts, but has none to produce, 7848–7850.

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V.

Verner, Edward Wingfield (Member of the House.) (Analysis of his Evidence.)—Arrival of witness in Lisburn, as a candidate, on the 10th February 1863, having gone from Dublin to Belfast on the preceding day, 8260. 8264–8270——Witness had been requested to come forward by Mr. Johnson, a barrister in Dublin, who was unknown to him at the time, 8261–8263——Commencement of witness's canvass on the 10th February, after he had first been to the "Hertford Arms," where he met many of the principal inhabitants, 8271–8282——He did not call at Mr. Lucas Waring's Office before going to the "Hertford Arms," 8277——Mr. Beattie, Mr. Jefferson, Mr. Richardson

Report, 1864—*continued.*

Verner, Edward Wingfield, M.P. (Analysis of his Evidence)—*continued.*

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Verner, Edward Wingfield, M.P. (Analysis of his Evidence.)—*continued.*

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REPORT

FROM THE

COMMITTEE

UPON

EXPIRING LAWS:

FOR THE

VITH Session—XVIIITH Parliament of the United Kingdom of GREAT BRITAIN and IRELAND.

(27 VICTORIA, 1864.)

Ordered, by The House of Commons, *to be Printed,*
4 *July* 1864.

Lunæ, 27° die Junii, 1864.

Ordered, THAT a Select Committee be appointed to inquire what Temporary Laws of a Public and General Nature are now in force, and what Laws of the like nature have expired since the last Report on the subject; and also, what Laws of the like nature are about to expire at particular periods, or in consequence of any contingent public event; and to report the same, with their Observations thereupon, to The House.

Committee nominated of—

Mr. Peel.
Mr. Massey.
Sir Stafford Northcote.
Mr. Attorney General.
Mr. Solicitor General.
Mr. Adderley.
Mr. Cowper.
Sir William Jolliffe.
Colonel French.
Mr. Baring.
Mr. Brand.
Mr. Williams.
Lord John Manners.

Ordered, THAT the Committee have power to send for Persons, Papers and Records.

Ordered, THAT Three be the Quorum of the Committee.

REPORT.

THE SELECT COMMITTEE appointed to inquire what TEMPORARY LAWS of a Public and General Nature ARE NOW IN FORCE, and what Laws of the like nature have EXPIRED since the last Report on the subject; and also, what Laws of the like nature ARE ABOUT TO EXPIRE at particular Periods, or in consequence of any Contingent Public Event; and to report the same, with their Observations thereupon, to The HOUSE:—

HAVE considered the Matters to them referred, and have agreed to the following Report.

4 *July* 1864.

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REGISTER OF TEMPORARY LAWS
NOW IN FORCE.

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*
1. BANK of ENGLAND INCORPORATION.	5,6 W.&M.	20, §20. 21.	7 Nov. 1693.	For granting to their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; for securing certain Recompences and Advantages, in the said Act mentioned, to such Persons as shall voluntarily advance the Sum of £.1,500,000. towards the carrying on the War against France.	
	8, 9 W. 3.	20, §26. 27.			
	N. B.—Clauses for continuing this Corporation in successive Loan Acts down to				
	19, 20 Vict.	21.	5 June 1856.	Bank continued as a Corporation - - -	Till payment of Sums due to the Bank, and Redemption of all Bank Annuities created by Parliament.
				Note.—As to the Bank of England Privileges, *see* No. 5.	
2. BANK of IRELAND.	Acts of the Parliament of Ireland.				
	21,22 Geo. 3.	16.	1781.	For establishing a Bank, by the Name of The Governor and Company of the Bank of Ireland.	
	amended by				
	31 Geo. 3.	22.			
	37 Geo. 3.	50.			
	Acts of the United Parliament.				
	48 Geo. 3.	103.			
	1,2 Geo. 4.	72.			
	3 Geo. 4.	26.			
	7 Will. 4. & 1 Vict.	59.			
	1, 2 Vict.	81.			
	2, 3 Vict.	91.			
	3, 4 Vict.	75.			
	8, 9 Vict.	37.	21 July 1845.	Bank of Ireland continued as a Corporation, and may be dissolved,	After 1 January 1855, on Twelve Months' Notice, and repayment of Debt due from the Public to the Bank.

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
3. COAL TRADE (PORT OF LONDON.)	1, 2 Will. 4.	lxxvi.	Local.	For regulating the Vend and Delivery of Coals in the Cities of London and Westminster, and in certain Parts of the Counties of Middlesex, Surrey, Kent, Essex, Hertfordshire, Buckinghamshire and Berkshire.	5 July	1882
	continued					
	8, 9 Vict.	101.				
	and amended					
	24, 25 Vict.	42.	22 July 1861.			
	continued					
	26, 27 Vict.	46.	13 July 1863.			
4. EAST INDIA COMPANY'S DIVIDEND.	3, 4 Will. 4.	85.	28 Aug. 1833.	For effecting an Arrangement with the East India Company, and for the better Government of His Majesty's Indian Territories.		
	amended by					
	16, 17 Vict.	95.	20 Aug. 1853.	3 & 4 Will. 4, c. 85, § 12. Dividend on East India Stock subject to Redemption by Parliament (on 12 Months' notice) upon and at any time after - - - - -	30 April	1874
	Rights in respect of Dividend saved by					
	21, 22 Vict.	106.		§ 13. If the Company be deprived of the Government of India they may within one year thereafter demand Redemption of the Dividend,* and Dividend must be redeemed within three years after such demand.		
	Partly repealed by					
	24, 25 Vict.	67.	1 Aug. 1861.	[* The one year expires 1 September 1859, *see* 21 & 22 Vic. c. 106.]		
5. BANK OF ENGLAND PRIVILEGES.	3, 4 W. 4.	98.	29 Aug. 1833.	For giving to the Corporation of the Governor and Company of the Bank of England certain Privileges for a limited Period, under certain Conditions.	Determinable on 12 Months' Notice, after 1 August 1855, and on Repayment of the Debt due from the Public to the Bank.	
	amended by					
	7, 8 Vict.	32.				
	8, 9 Vict.	37, s. 6.				
	,,	38, s. 15.				
	and see as to s. 7.					
	17, 18 Vict.	90.		Note.—Sec. 6 seems permanent.		
6. LINEN, HEMPEN, COTTON and other MANUFACTURES (Ireland.)	5, 6 Will. 4.	27.	21 Aug. 1835.	To continue and amend certain Regulations for the Linen and Hempen Manufactures in Ireland.	13 August	1864
	amended					
	3, 4 Vict.	91.	10 Aug. 1840.	For the more effectual Prevention of Frauds and Abuses committed by Weavers, Sewers and other Persons employed in the Linen, Hempen Union, Cotton, Silk and Woollen Manufactures in Ireland, and for the better Payment of their Wages, for One Year, and from thence to the End of the then next Session of Parliament.		
	continued and amended					
	5, 6 Vict.	68.				
	7, 8 Vict.	47.				
	continued					
	22, 23 Vict.	25.	13 Aug. 1859.			

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
7. CIVIL LIST.	1, 2 Vict. amended 1, 2 Vict. 15, 16 Vict.	2. 92. 39.	23 Dec. 1837.	For the Support of Her Majesty's Household, and of the Honour and Dignity of the Crown of the United Kingdom of Great Britain and Ireland - - - - - -	6 Months after the Death of Her Majesty.	
8. OATHS, UNLAWFUL. (Ireland).	2, 3 Vict. continued and amended 11, 12 Vict. continued 25, 26 Vict.	74. 89. 32.	24 Aug. 1839. 31 Aug. 1848. 7 July 1862.	To extend and render more effectual an Act [4 Geo. 4, c. 87] to amend an Act [50 Geo. 3, c. 102] for preventing the administering and taking unlawful Oaths in Ireland.	7 July and END of then NEXT SESSION.	1867
9. POOR RATES, STOCK IN TRADE EXEMPTION.	3, 4 Vict. continued 26, 27 Vict.	89. 95.	10 Aug. 1840. 28 July 1863.	To exempt Inhabitants of Parishes, Townships, and Villages from liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor, until - - -	1 October and END of then NEXT SESSION.	1865
10. SURVEY of GREAT BRITAIN.	4, 5 Vict. amended and continued 19, 20 Vict. continued 24, 25 Vict.	30. 61. 65	21 June 1841. 21 July 1856. 1 Aug. 1861.	To authorize and facilitate the Completion of a Survey of Great Britain, Berwick-upon-Tweed and the Isle of Man.	31 December	1866
11. HIGHWAY RATES. (E.)	4, 5 Vict. continued 23, 24 Vict.	59. 67.	22 June 1841. 6 Aug. 1860.	To authorize the Application of a Portion of the Highway Rates to Turnpike Roads, in certain Cases.	1 October and END of then NEXT SESSION.	1865

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
12. LUNATIC ASYLUMS (Ireland).	5, 6 Vict.	123.	12 Aug. 1842.	For amending the Law relating to Private Lunatic Asylums in Ireland.	1 August and END of then NEXT SESSION.	1865
	continued					
	24, 25 Vict.	57.	1 Aug. 1861.			
13. COURTS MARTIAL (East Indies).	7, 8 Vict.	18.	6 June 1844.	To remove Doubts as to the Power of appointing, convening and confirming the Sentences of Courts Martial in the East Indies.	Continues, so far as regards Officers and Soldiers in Her Majesty's Service, during the continuance of any Act for punishing Mutiny and Desertion, &c.	
14. LANDED PROPERTY IMPROVEMENT (Ireland.)	10 Vict.	32.	8 June 1847.	To facilitate the Improvement of Landed Property in Ireland.		
	amended					
	13, 14 Vict.	31.				
	continued					
	26, 27 Vict.	95.	28 July 1863.	As to Powers of Commissioners - - -	1 January and END of then NEXT SESSION.	1865
15. POOR LAWS (Ireland).	10, 11 Vict.	90.	22 July 1847.	To provide for the Execution of the Laws for Relief of the Poor in Ireland.		
	amended					
	14, 15 Vict.	68.				
	continued					
	26, 27 Vict.	95.	28 July 1863.	As to appointment of Commissioners, &c. -	23 July and END of then NEXT SESSION.	1864
16. ECCLESIASTICAL JURISDICTION.	10, 11 Vict.	98.	22 July 1847.	To amend the Law as to Ecclesiastical Jurisdiction in England.		
	continued					
	26, 27 Vict.	95.	28 July 1863.	As to certain Provisions - - - -	1 August and END of then NEXT SESSION.	1863
17. POOR LAW.	10, 11 Vict.	109.	23 July 1847.	For the Administration of the Laws for Relief of the Poor in England.		
	continued					
	26, 27 Vict.	55.	21 July 1863.	As to appointment of Commissioners, &c. -	23 July and END of then NEXT SESSION.	1864

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
18. PRESERVATION OF THE PEACE (Ireland).	19, 20 Vict.	36.	30 June 1856.	For the better Preservation of the Peace in Ireland.	1 July and END of then NEXT SESSION.	1864
	amended					
	23, 24 Vict.	138.	28 Aug. 1860.			
	continued					
	25, 26 Vict.	24.	30 June 1862.			
19. COUNTY CESS, IRELAND.	11, 12 Vict.	32.	22 July 1848.	To facilitate the Collection of County Cess in Ireland.	1 August and END of then NEXT SESSION.	1864
	amended					
	20, 21 Vict.	7.	3 July 1857.			
	continued					
	2 , 27 Vict.	95.	28 July 1863.			
20. SHEEP AND CATTLE (Diseased).	11, 12 Vict.	107.	4 Sept. 1848.	To prevent the spreading of contagious or infectious Disorders among Sheep, Cattle and other Animals.	1 August and END of then NEXT SESSION.	1864
	extended					
	16, 17 Vict.	62.	4 Aug. 1853.			
	continued					
	26, 27 Vict.	95.	28 July 1863.			
21. COPYHOLD INCLOSURE and TITHE COMMISSIONS.	14, 15 Vict.	53.	1 Aug. 1851.	To consolidate and continue the Copyhold and Inclosure Commissions, and to provide for the Completion of Proceedings under the Tithe Commutation Acts. Temporary as to appointment of Commissioners, &c.	1 August and END of then NEXT SESSION.	1867
	continued					
	25, 26 Vict.	73.	7 Aug. 1862.			
22. EPISCOPAL and CAPITULAR ESTATES MANAGEMENT.	14, 15 Vict.	104.	8 Aug. 1851.	To facilitate the Management and Improvement of Episcopal and Capitular Estates in England. *Note.*—This Act is applied by 21 & 22 Vict. c. 94 (s. 19), which is a permanent Act.	1 January and END of then NEXT SESSION.	1864
	continued and amended					
	17, 18 Vict.	116.	11 Aug. 1854.			
	26, 27 Vict.	95.	28 July 1863.			

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
23. CORRUPT PRACTICES PREVENTION ACT, 1854.	17, 18 Vict.	102.	10 Aug. 1854.	To consolidate and amend the Laws relating to Bribery, Treating and undue Influence at Elections of Members of Parliament.	8 June and END of the NEXT SESSION.	1868
	partially repealed and remainder continued by					
	26, 27 Vict.	29.	8 June 1863.			
24. INCUMBERED ESTATES (West Indies.)	17, 18 Vict.	117.	11 Aug. 1854.	To facilitate the Sale and Transfer of Incumbered Estates in the West Indies.		
	amended and continued					
	21, 22 Vict.	96.	2 Aug. 1858.			
	amended					
	25, 26 Vict.	45.	17 July 1862.	Temporary as to the offices, &c. of Commissioners - - - - - - - -	2 August and END of then NEXT SESSION.	1863
25. LUNATICS (SCOTLAND) ACT AMENDMENT.	21, 22 Vict.	89.	2 Aug. 1858.	To amend an Act of the last Session, for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance and Regulation of Lunatic Asylums in Scotland.		
	continued					
	25, 26 Vict.	54.	29 July 1862.			
				As to Deputy Commissioners - - - -	1 August	1864
26. GOVERNMENT OF BRITISH COLUMBIA.	21, 22 Vict.	99.	2 Aug. 1858.	To provide for the Government of British Columbia.	31 December	1863
	amended and continued					
	26, 27 Vict.	83.	28 July 1863.			
27. MUTINY ACT (Army).	26, 27 Vict.	8.	20 Apr. 1863.	For punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.		
				Continuance: In Great Britain - - -	25 April	1864
				- - - - Ireland, Jersey, Guernsey, Alderney, Sark and Isle of Man	1 May	
				- - - - Gibraltar, the Mediterranean, Spain and Portugal - -	1 August	
				- - - - Elsewhere in Europe, and in the West Indies and America -	1 Sept.	
				- - - - Cape of Good Hope, Isle of France or Mauritius, St. Helena, and Western Coast of Africa - - - - -	1 January	1865
				- - - - Elsewhere - - - - -	1 February	1866

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
28. MUTINY ACT (Marine Forces).	26, 27 Vict.	9.	20 Apr. 1863.	For the Regulation of Her Majesty's Royal Marine Forces while on Shore.		
				Continuance: In Great Britain - - -	25 April	
				- - - - Ireland, Jersey, Guernsey, Alderney, Sark and Isle of Man	1 May	
				- - - - Gibraltar, Spain and Portugal -	1 August	1864
				- - - - Elsewhere in Europe, and the West Indies, North America, and Cape of Good Hope -	1 Sept.	
				- - - - Elsewhere - - - - -	1 February	1865
29. DWELLINGS FOR LABOURING CLASSES (IRELAND).	23, 24 Vict.	19.	15 May 1860.	To extend the Act to facilitate the Improvement of Landed Property in Ireland, and the Acts amending the same, to the Erection of Dwellings for the Labouring Classes in Ireland.	15 May and END of then NEXT SESSION.	1870
30. INDEMNITY OFFICES, &c.	26, 27 Vict.	107.	29 July 1862.	To indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until - - - - - - -	25 March and END of then SESSION.	1864
31. TURNPIKE ACTS, (G. B.)	26, 27 Vict.	95.	28 July 1863.	To continue certain Turnpike Acts in Great Britain.		
				As to certain Acts - - - - - -	1 November and END of then NEXT SESSION.	1864
				As to certain Acts - - - - - -	1 November	1864
32. MILITIA BALLOTS SUSPENSION.	26, 27 Vict.	53.	13 July 1863.	To amend the Laws relating to the Ballots for the Militia in England, and to suspend the making of Lists and Ballots for the Militia of the United Kingdom.	1 October	1864

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
33. MILITIA PAY (G. B. & I.)	26, 27 Vict.	37.	29 June 1863.	To defray the Charge of the Pay, Clothing, and Contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances to certain Officers of the Militia; and to authorize the Employment of the Non-commissioned Officers.	1 September	1864
34. PARTY EMBLEMS (Ireland).	23, 24 Vict.	141.	28 Aug. 1860.	To amend an Act passed in the 13th year of Her Majesty to restrain Party Processions in Ireland.	28 August	1865
35. PENSIONS, BRITISH FORCES (India).	25, 26 Vict.	27.	30 June 1862.	To increase the Amount payable out of the Revenues of India in respect of the Rating, Pay, Pensions, and other expenses of that nature, of Her Majesty's British Forces serving in India.	31 Mar.	1867
36. SALMON FISHERY ACT, 1861.	24, 25 Vict.	109.	6 Aug. 1861.	An Act to amend the Laws relating to Fisheries of Salmon in England. As to offices of Inspectors of Fisheries.	1 October	1864
37. INDUSTRIAL SCHOOLS.	24, 25 Vict. continued 25, 26 Vict.	113. 10.	6 Aug. 1861. 11 April 1862.	For amending and consolidating the Law relating to Industrial Schools.	1 January	1867

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
38. INDUSTRIAL SCHOOLS (Scotland).	24, 25 Vict.	132.	6 Aug. 1861.	For consolidating and amending the Law relating to Industrial Schools in Scotland.	1 January	1867
	continued					
	25, 26 Vict.	10.	11 April 1862.			
39. UNIONS RELIEF AID.	25, 26 Vict.	110.	7 Aug. 1862.	To enable Boards of Guardians of certain Unions to obtain Temporary Aid to meet the extraordinary Demands for Relief therein.	1 September	1863
	extended					
	26, 27 Vict.	4.	27 Mar. 1863.			
40. PROMISSORY NOTES.	26, 27 Vict.	105.	28 July 1863.	To remove certain Restrictions on the Negotiation of Promissory Notes and Bills of Exchange under a limited Sum.	28 July and END of then NEXT SESSION.	1866
41. SALMON FISHERY (IRELAND) ACT, 1863.	26, 27 Vict.	114.	28 July 1863.	An Act to amend the Laws relating to Fisheries in Ireland. As to the offices of the Special Commissioners for Irish Fisheries.	28 July and END of then NEXT SESSION.	1865
42. ALKALI ACT (1863.)	26, 27 Vict.	124.	28 July 1863.	For the more effectual Condensation of Muriatic Acid Gas in Alkali Works.	1 July	1868

INDEX OF TEMPORARY LAWS.

Class I.

TEMPORARY LAWS

THE DURATION OF WHICH IS CERTAIN, UNLESS SO FAR AS THEY DEPEND ON THE SITTING OF PARLIAMENT.

ARRANGED IN ORDER OF THEIR DURATION.

* The ACTS having this mark, are continued to the Date set against them, and to the End of the then next Session.

† The ACTS having this mark, are continued to the Date set against them, and to the End of the then Session.

No.	*Matter.*	*Date of last continuing Act.*	*Duration.*
16	Ecclesiastical Jurisdiction	26, 27 Vict. c. 95	1 August 1863*
24	Incumbered Estates (West Indies)	17, 18 Vict. c. 117 — 21, 22 Vict. c. 94	2 August 1863*
39	Union Relief Aid	26, 27 Vict. c. 4	1 September 1863
26	Government of British Columbia	26, 27 Vict. c. 83	31 December 1863
22	Episcopal and Capitular Estates Management	26, 27 Vict. c. 95	1 January 1864*
30	Indemnity	26, 27 Vict. c. 107	25 March 1864†
27	Mutiny	26, 27 Vict. c. 8	25 April 1864
28	Mutiny (Marine Forces)	26, 27 Vict. c. 9	25 April 1864
18	Peace Preservation (Ireland)	25, 26 Vict. c. 24	1 July 1864*
15	Poor Laws (Ireland)	26, 27 Vict. c. 95	23 July 1864*
17	Poor Law	26, 27 Vict. c. 55	23 July 1864*
20	Sheep and Cattle (Diseased)	26, 27 Vict. c. 95	1 August 1864*
19	County Cess (Ireland)	26, 27 Vict. c. 95	1 August 1864*
25	Lunatics (Scotland) Act Amendment	25, 26 Vict. c. 54	1 August 1864
6	Linen, Hempen, &c. Manufactures (Ireland)	22, 23 Vict. c. 25	13 August 1864
33	Militia Pay (G. B. & I.)	26, 27 Vict. c. 37	1 September 1864
32	Militia Ballot Suspension	26, 27 Vict. c. 53	1 October 1864
36	Salmon Fishery, 1861	24, 25 Vict. c. 109	1 October 1864
31	Turnpike Acts (G. B.)	26, 27 Vict. c. 95	1 November 1864* — 1 November 1864
14	Landed Property Improvement (Ireland)	26, 27 Vict. c. 95	1 January 1865*
12	Lunatic Asylums (Ireland)	24, 25 Vict. c. 57	1 August 1865*
34	Party Emblems (Ireland)	23, 24 Vict. c. 141	28 August 1865
11	Highway Rates (England)	23, 24 Vict. c. 67	1 October 1865*
42	Salmon Fishery (Ireland), 1863	26, 27 Vict. c. 114	28 July 1865*

CLASS I.—TEMPORARY LAWS THE DURATION OF WHICH IS CERTAIN, &c.—*continued.*

No.	*Matter.*	*Date of last continuing Act.*	*Duration.*
9	Poor Rates, Stock in Trade Exemption -	26, 27 Vict. c. 95 -	1 October - 1865*
40	Promissory Notes - - - - -	26, 27 Vict. c. 105 -	28 July - - 1866*
10	Survey of Great Britain - - - -	24, 25 Vict. c. 65 -	31 December 1866
37	Industrial Schools - - - - -	25, 26 Vict. c. 10 -	1 January - 1867
38	Industrial Schools (Scotland) - - -		
35	Pensions, British Forces (India) - - -	25, 26 Vict. c. 27 -	31 March - 1867
8	Oaths Unlawful (Ireland) - - - -	25, 26 Vict. c. 32 -	7 July - - 1867*
21	Copyhold Inclosure and Tithe Commissions -	25, 26 Vict. c. 73 -	1 August - 1867*
23	Corrupt Practices Prevention Act (1854) -	26, 27 Vict. c. 95 -	8 June - - 1868*
42	Alkali Act (1863) - - - - -	26, 27 Vict. c. 124 -	1 July - - 1868
29	Dwellings for Labouring Classes (Ireland) -	23, 24 Vict. c. 19 -	15 May - - 1870*
3	Coal Trade, Port of London - - -	26, 27 Vict. c. 46 -	5 July - - 1882

N.B.—By 48 Geo. 3, c. 106, if a Bill is introduced for the continuance of any Act which would expire in the same Session, and such Act shall expire before the Bill for continuing the same receives the Royal Assent, the continuing Act takes effect from the expiration of the former Act, but not so as to affect any person with any penalty in the interval.

Class II.

TEMPORARY LAWS

THE DURATION OF WHICH IS UNCERTAIN.

ARRANGED IN ALPHABETICAL ORDER.

No.	*Name.*	*Date of last continuing Act.*	*Duration.*
1	Bank of England Incorporation.	19, 20 Vict. c. 21 -	- - Till Payment of Sums due to the Bank, and Redemption of all Bank Annuities created by Parliament.
5	Bank of England Privileges.	3, 4 Will. 4, c. 98 -	- - Determinable on 12 Months' Notice after 1st August 1855, and on Repayment of Debt due from the Public to Bank.
2	Bank of Ireland -	8, 9 Vict. c. 37 - -	- - May be dissolved after 1 January 1855 on 12 Months' Notice, and Repayment of Debt due from the Public to the Bank.
7	Civil List - - -	1, 2 Vict. c. 2 - -	Six Months after the Death of Her Majesty.
13	Courts Martial (East Indies).	7, 8 Vict. c. 18 - -	- - During the continuance of any Act for punishing Mutiny and Desertion, &c.
4	East India Company's Dividend.	3, 4 Will. 4, c. 85 -	- - Dividend subject to redemption by Parliament (on 12 Months' Notice) upon and at any time after 20th April 1874. As to right to demand redemption of Dividend, *see* No. 4 of Register.

I N D E X

TO

LAWS which were inserted in the Register of Temporary Laws then in force in the last REPORT of the COMMITTEE on EXPIRING LAWS.

(5 June 1863),

But which are now omitted.

Subject.	*No. in Register 1863.*	*Reason for Omission.*
Loan Societies - - -	10	- - Made perpetual by 26, 27 Vict. c. 56.
Savings Banks (Ireland) - -	19	- - Repealed by 26, 27 Vict. c. 87.
Charitable Uses - - -	29	- - Made perpetual by 26, 27 Vict. c. 106.

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OF THE SUBJECT-MATTER OF THE ACTS CONTAINED IN THIS REPORT.

The * signifies that the Act relates *exclusively* to Ireland.

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* —— of Ireland - - - -	2.
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C.	
Civil List - - - - - -	7.
Coal Trade (Port of London) - -	3.
Copyhold Commission - - -	21.
Corrupt Practices Prevention Act, 1854.	23.
* County Cess - - - - - -	19.
Courts Martial (East Indies) - -	13.
D.	
* Dwellings for Labouring Classes -	29.
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Episcopal and Capitular Estates Management.	22.
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* Landed Property Improvement -	14.
* Linen, Hempen and other Manufactures	6.
* Lunatic Asylums - - - - -	12.
Lunatics (Scotland) Act Amendment	25.
M.	
Militia Pay - - - - - -	33.
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Mutiny Act (Army) - - -	27.
———— (Marine Forces) - -	28.
O.	
* Oaths, Unlawful - - - - -	8.
P.	
* Party Emblems - - - - -	34.
* Peace Preservation - - - -	18.
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REPORT

FROM THE

COMMITTEE

UPON

EXPIRING LAWS.

Ordered, by The House of Commons, *to be Printed,*
4 *July* 1864.

459.

Under 3 oz.

REPORT

FROM THE

SELECT COMMITTEE

ON THE

KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS);

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
5 *April* 1864.

Veneris, 5° die Februarii, 1864.

Ordered, THAT a Standing Committee be appointed to control the Arrangements of the Kitchen and Refreshment Rooms in the Department of the Serjeant-at-Arms attending this House.

Committee nominated of—

Colonel French.	Colonel White.
Mr. Bentinck.	Mr. Onslow.
Lord Robert Montagu.	Mr. Alderman Rose.
Mr. Dalglish.	

Ordered, THAT Three be the Quorum of the Committee.

Martis, 5° die Aprilis, 1864.

Ordered, THAT the Committee have power to report their Opinion and Observations from time to time to The House.

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REPORT.

THE SELECT COMMITTEE appointed to Control the Arrangements of the KITCHEN and REFRESHMENT ROOMS in the Department of the SERJEANT-AT-ARMS attending The HOUSE;——HAVE agreed to the following REPORT:—

YOUR Committee, during the Session of 1863, took considerable pains in endeavouring to improve the management of the Kitchen and Refreshment Rooms. An account of their proceedings was published in four several Reports to The House. At the commencement of the present Session the following changes, the results of their deliberations, were put into execution.

In the first place, the right of supplying wines and spirits has been transferred from the keeper of the Refreshment Rooms to three wine merchants selected by your Committee, whereby greater variety and improved quality has been obtained, at diminished charges.

Your Committee deemed it advisable last Session to recommend to the Serjeant-at-Arms the removal of Mr. David Steers, then keeper of the Refreshment Rooms, and obtained the situation for Mr. John Short, whose excellent recommendations, they thought, well qualified him to take the management of the rooms. On the 17th of February last Mr. Short tendered his resignation, which was accepted by the Committee.

The Serjeant-at-Arms, at the request of the Committee, then appointed Mr. Lucas temporarily to the situation, who agreed to keep the cooks and other servants who had already been engaged by Mr. Short.

A few trifling alterations have been made in the authorised tariff of charges of former years, which your Committee think is amply compensated by the improved cooking and general management.

The average number of dinners supplied daily (Wednesdays excepted) during the present Session is about 90; during last Session the average was 64.

They have placed a desk in the rooms, at which Members are requested to write their own dinner orders; the object being to prevent mistakes and confusion, and insure punctuality in serving up the dinners.

They have applied for and obtained from the Commissioners for regulating the offices of the House of Commons an increased allowance for the keeper of the Refreshment Rooms, to enable him to keep a larger staff of servants; and they are confident that in all these alterations they have secured to The House an alleviation of many defects which have hitherto existed in the management of the rooms.

Tariff for the Refreshment Rooms.

(Sanctioned by the Refreshment Rooms' Committee, 23 February 1864).

	s.	d.
Glass of Beer (Bass)	–	3
Cold Meat and Potatoes	1	–
Beer and Cheese	–	6
Soup (Mock Turtle, Ox-Tail, Giblet, Purées, &c.)	1	–
Half portion of ditto	–	8
Mutton Chop, each	–	9
Rumpsteak, grilled Beef or Mutton Bone	1	6

	s.	d.
Leg of Fowl, Slice of Game Pie, Grilled Ham and Eggs, or Slice of Galantine	1	6
Half a Cold Fowl	2	6
Half Dozen Oysters	–	6
Fish (various)		
Entrées, Pattées, Rissoles, Croquettes, Quenelles, Boudins (various)		
Hot Joints	1	6

Table until 4 p.m., 6*d.*; after 4 p.m., 1*s.*

Tariff for the Tea Room.

(*Sanctioned by the Refreshment Rooms' Committee, 23 February* 1864.)

	s.	d.
A large Cup of Tea or Coffee, without Cream or Bread and Butter	–	6
Ditto with Cream	–	9
A small Cup of Tea or Coffee, without Cream or Bread and Butter	–	4
Ditto with Cream	–	6
Tea-pot or Coffee-pot full, with Bread and Butter or Toast	1	–
Ditto ditto with Eggs, Poached or Boiled	1	6

PROCEEDINGS OF THE COMMITTEE.

Lunæ, 23° *die Februarii*, 1864.

MEMBERS PRESENT:

Colonel French.	Mr. Dalglish.
Lord Robert Montagu.	Mr. Bentinck.
Colonel White.	

Colonel *French* called to the Chair.

Resolved, "That the First Commissioner of Works be requested to furnish this Committee with a list of the articles supplied by them during the recess to the Keeper of the Refreshment Rooms, with the expense of the same."

Resolved, "That the charge for 'Table' until 4 p. m. be 6*d.*, after 4 p. m., 1*s.*

"That half portions of soup be charged 8*d.*

"That the charge for a mutton chop be 9*d.*"

Resolved, "That it is absolutely necessary, in order to defray the wages of additional servants, that an increased allowance of 200*l.* a year be given to the Keeper of the Refreshment Rooms; and that an application for the same be made to the Commissioners for regulating the Offices of the House of Commons."—(Lord *R. Montagu.*)

Resolved, "That the Keeper of the Refreshment Rooms shall not be allowed to have any cellar of his own; and that all wines and spirits are to be provided from the three authorised cellars, but the Keeper of the Refreshment Rooms is not bound by the prices in the wine tariff except in the two rooms appropriated to Members"—(Mr. *Bentinck.*)

[Adjourned to Friday next, at three-quarters past Three o'clock.

Veneris, 12° *die Februarii*, 1864.

MEMBERS PRESENT:

Colonel FRENCH, in the Chair.

Mr. Dalglish.	Mr. Bentinck.
Lord R. Montagu.	Colonel White.

Lord *G. Lennox* attended the Committee to make a complaint respecting the dinners.

Mr. *Short* called in, and examined.

Resolved, "That every Member intending to dine is requested to order his own dinner (specifying each dish, and the hour,) on a dinner bill provided at the desk for that purpose, and all complaints are to be entered at the back of the dinner bills"—(Mr. *Bentinck*).

Resolved, "That this regulation be printed and put up on the desk in both Dining-rooms."

Resolved, That the following Tariff be exhibited in the Tea-room:

	s.	*d.*
A cup of tea or coffee - - - - - - - - -	–	6
Teapot or coffeepot full, with bread and butter or toast -	1	–
Ditto - ditto - with eggs, poached or boiled -	1	6

[Adjourned till Monday next, at Three o'clock.

Lunæ, 15° *die Februarii*, 1864.

MEMBERS PRESENT:

Colonel FRENCH, in the Chair.

Mr. Bentinck.	Mr. Dalglish.
Lord Robert Montagu.	

Committee deliberated.

Resolved, "That the Serjeant-at-Arms be requested to send a demand to the Commissioners of Works, &c., for the desks to be placed in the dining rooms."

[Adjourned to Wednesday next, at One o'clock.

Mercurii, 17° *die Februarii*, 1864.

MEMBERS PRESENT:

Colonel FRENCH, in the Chair.

Lord Robert Montagu.	Mr. Dalglish.
Colonel White.	Mr. Bentinck.
Mr. Onslow.	

The Committee deliberated.

Mr. *John Short*, Keeper of the Refreshment Rooms, having handed in a statement showing that his expenses for provisions, &c., during the first fortnight of the Session amounted to 217 *l.* 6 *s.* 10 *d.*, and his receipts (deducting 39 *l.* 11 *s.* 7 *d.* to be repaid to the wine merchants) amounted to 117 *l.* 9 *s.* 6 *d.*; and, consequently, being at a loss, begged to tender his resignation, as follows:—

(Copy.)

"Gentlemen,

"FINDING that I am at a loss by holding the appointment of Keeper of the Refreshment Rooms of the House of Commons, I beg to tender my resignation.

"17 February 1864. (signed) "*John Short.*

"To the Refreshment Room Committee."

STATEMENT referred to above.

12th February 1864.

REFRESHMENT DEPARTMENT.

Abstract of Tradesmen's Books, &c.

	£.	s.	d.
Butcher	44	8	4½
Baker	3	8	9
Fish and oysters	9	5	4
Poultry	8	4	8
Italian goods and grocery	14	4	–
Butter, cheese, bacon, and eggs	22	15	–
Green grocery	8	–	5
Fruiterer	2	15	–
Biscuits	1	5	–
Milk and cream	2	18	–½
Beer account	3	12	–
Rough and Wenham ice	1	10	–
Board and wages to servants	71	18	9
Laundry - ditto - ditto	7	8	–
Extra hire for cleaning house and furniture from the 1st October 1863	15	13	6
£.	217	6	10

12th February 1864.

REFRESHMENT DEPARTMENT.

	£.	s.	d.
Amount received in Dining, Smoking, and Tea Rooms to the 12th instant - - - - - - - - - - - - -	157	1	1
Deduct Wine Account - - - -	39	11	7
£.	117	9	6

The Committee deliberated, and decided to accept his resignation.

Mr. *Lucas*, of Parliament-street, called, and stated that he would undertake, temporarily, the situation of Keeper of the Refreshment Rooms.

Resolved, "That the Committee, having accepted the resignation of Mr. John Short as Keeper of the Refreshment Rooms, beg to recommend to the Serjeant-at-Arms Mr. Lucas to that situation for the time being"—(Colonel *White*).

[Adjourned till To-morrow, at Three o'clock.

Jovis, 18° *die Februarii*, 1864.

MEMBERS PRESENT:

Colonel FRENCH, in the Chair.

Mr. Onslow.	Mr. Dalglish.
Lord R. Montagu.	Colonel White.

Letters from Mr. Steers and Mr. John Reid, applying for the situation of Keeper of the Refreshment Rooms, read, and considered.

Resolved, "That as it is absolutely impossible to make arrangements suitable for the Members' Refreshment Rooms, without the additional 200 *l.* a year which is required for the payment of servants wages, the Serjeant-at-Arms be requested to apply to the Commissioners for regulating the Offices of the House of Commons, to know when it will be convenient for them to return an answer to the application of this Committee of the 8th instant"—(Lord *R. Montagu*).

[Adjourned till To-morrow, at half-past Three o'clock.

Veneris, 19° *die Februarii*, 1864.

MEMBERS PRESENT:

Colonel FRENCH, in the Chair.

Lord R. Montagu.	Colonel White.
Mr. Dalglish.	

Letter from the Serjeant-at-Arms read, and considered:

Sir, House of Commons, 18 February 1864.

I HAVE the honour to acquaint you that I have this day forwarded the Resolution of your Committee of the 18th instant to the Speaker's Secretary, with a request that it may immediately be laid before the Commissioners for regulating the Offices of the House of Commons. I beg at the same time to acquaint you that Mr. Short has asked me to intimate to you that he feels that he has been hasty in tendering his resignation, and begs permission to acquaint you with his reason for wishing to withdraw it.

I have, &c.
(signed) *Charles J. F. Russell*,
Serjeant-at-Arms.

Colonel French, M.P.,
Chairman of the Kitchen and Refreshment Committee.

Dear Lord Charles Russell, 19 February 1864.

I HAVE submitted your note, with its enclosed Resolution of the Kitchen Committee, to the Speaker, and am directed to inform you that it will be laid before the Commissioners for regulating the Offices of the House of Commons at their first meeting.

Believe me, &c.
(signed) *Alfred Denison.*

Mr. *Short* examined, and was informed by the Committee that they could not re-consider their decision respecting his resignation.

Mr. *Short* handed in his accounts.

Resolved, That the Tariff, as published in the report of last year, with an alteration to suit the Resolution of the 8th February 1864, be printed, and hung up in the dining rooms—(Lord *R. Montagu*).

[Adjourned till Monday next, at half-past Three o'clock.

Lunæ, 22° die Februarii, 1864.

MEMBERS PRESENT:

Colonel FRENCH, in the Chair.

Colonel White.	Mr. Dalglish.
Mr. Bentinck.	

An application from Mr. *John Handey*, St. James's Hall Restaurant, for the situation of Keeper of the Refreshment Rooms, read.

Also from Mr. *Short*, asking to be reinstated in the situation of Keeper of the Refreshment Rooms, as he found on re-examining his accounts that he had not incurred so much loss as he had at first supposed:

Gentlemen, Refreshment Department, 22 February 1864.

I BEG most respectfully to solicit your consideration as to my position. I am assured that you are aware that I have been placed in unfavourable circumstances, and at great expense, in forming the staff of servants for this establishment, and that my outlay has been large in preparing for the opening of the House. I may affirm that I left no endeavour untried in hope to secure the approbation of each Member of the House, and in so doing I was compelled to bring the staff together some time prior to the House assembling, and in consequence have incurred expenses in wages and board in order to accustom them to the House and duties that would follow. In placing my receipts against the expenditure I found a considerable deficiency, which induced me to resign.

At that time, being so much pressed with the several duties, I had not an opportunity of going into the accounts so minutely as I have since, and the result is that it will not prove so disadvantageous as I had feared.

May I solicit your indulgence, and beg of you to rescind my resignation; and should you kindly do so, the 200 *l.* per annum, to my present salary, will enable me to keep a cellarman, and allow more time to me to be in the dining-rooms and other parts of the House, which require inspecting.

Earnestly soliciting your favourable decision,

I am, &c.
(signed) *John J. Short.*

To the Gentlemen of the Kitchen Committee,
House of Commons.

The Committee, having appointed Mr. Lucas to that situation, informed Mr. Short that they could not accede to his proposition.

Mr. *Short* handed in a list of expenses which he had incurred in preparing the rooms.

Mr. *Lucas* called in, with whom the Committee arranged the tariff of prices.

[Adjourned till To-morrow, at Three o'clock.

Martis, 23° die Februarii, 1864.

MEMBERS PRESENT:

Colonel FRENCH, in the Chair.

Mr. Dalglish.	Mr. Bentinck.
Colonel White.	Lord R. Montagu.

Resolved, That in lieu of the tariff sanctioned for the tea room, on 12th February last, the following charges shall be authorised:—

	s.	d.
A large cup of tea or coffee, without cream	–	6
Ditto - ditto - with cream	–	9
A small cup - ditto - without cream	–	4
Ditto - ditto - with cream	–	6
Tea-pot or coffee-pot full, with bread and butter, or toast	1	–
Ditto - ditto - with eggs, poached or boiled	1	6

The accompanying statement of articles supplied by the Board of Works to the Refreshment Department was received, in accordance with the request of the Committee on the 8th February instant:—

HOUSE OF COMMONS.

Refreshment Department.

STATEMENT showing the estimated expense (the Bills having not yet been examined) of the various articles supplied for the Refreshment Department, House of Commons, from the 1st October 1863 to 11th February 1864, by the Office of Works:—

	£.	s.	d.
For glass articles	68	–	–
For china and earthenware	158	15	1
For table linen	347	7	6
For rubbers, dusters, cloths, towels, &c., for kitchen use	117	17	8
For new kitchen utensils and ironmongery articles, and for the repair of kitchen utensils, &c.	186	–	5½
For new cocoa matting for room in basement	13	12	–
For new carpets and rugs, Members' dining rooms, and Mr. Short's apartments.	76	6	10¾
For a new washing machine and clothes press	17	13	9
For new towel roller, drainer plate rack, pairs of steps, meat stands, soap boxes, &c.	18	10	4
For furniture fittings, bedsteads and bedding, and for the repairs of furniture fitting, bedding, &c.	279	7	9
For brushes, brooms, and turnery articles	38	5	8
£.	1,321	17	1¼

Office of Works, &c.
20 February 1864.

Mr. *Short* handed in an account of all the articles provided at his own expense for the Refreshment Rooms:—

Refreshment Department, 23 February 1864.

	£	s.	d.
Glass and beer barrels for Members' dining rooms and luncheon stall	21	13	2
Beer engine for the use of the service	23	11	11
The counter, and sundry fittings at the stall near the Committee-rooms.	42	–	11
£.	87	6	–

The Committee decided to refer the bills for the same to the Board of Works, with a recommendation that they would pay the bill for beer-engine, &c. amounting to 23 *l.* 11 *s.* 11 *d.*

[Adjourned till Friday next, at a quarter-past Three o'clock.

Veneris, 26° die Februarii, 1864.

MEMBERS PRESENT:

Colonel White.	Mr. Dalglish.
Mr. Bentinck.	Lord R. Montagu.

Mr. BENTINCK called to the Chair.

The Committee deliberated.

Mr. *Lucas* called in, and examined.

Resolved, "That the Committee do prepare a Report to the House of their Proceedings up to the present time, and that the authorised tariff of charges be printed as an Appendix to the said Report"—(Lord *R. Montagu.*)

Resolved, "That the Serjeant-at-Arms be requested to order from the Office of Works certain articles required for the service of the refreshment rooms."

[Adjourned till Monday next, at a quarter past Three o'clock.

Lunæ, 29° die Februarii, 1864.

MEMBERS PRESENT:

Mr. Dalglish.	Colonel White.
Lord R. Montagu.	

Mr. DALGLISH called to the Chair.

A letter from the Speaker's Secretary, with reference to the Resolution of the Committee on the 8th and 18th instant, read.

(Copy.)

My Lord, 20 February 1864.

I HAVE the honour to inform you, that at a meeting of the Commissioners of the House of Commons, held yesterday the 19th instant, the Right Honourable Gentlemen were pleased to decide in compliance with the terms of your letter of the 14th, covering a Resolution passed by the Kitchen Committee, that the additional sum of 200 *l.* be granted to the Keeper of the Refreshment Rooms of the House of Commons, towards defraying the expense of servants' wages. This decision, however, is based on the condition of the restoration of the tariff of prices to that which existed during the Session of 1863.

I have, &c.

Lord Charles Russell. (signed) *Alfred Denison.*

Resolved, "That the above letter be considered by the Committee at their next meeting."

Mr. *Lucas* called, and examined.

[Adjourned till Friday next, at a quarter past Three o'clock.

Veneris, 4° *die Martii*, 1864.

MEMBERS PRESENT:

Mr. Dalglish.	Colonel White.
Mr. Bentinck.	Lord R. Montagu.
Mr. Alderman Rose.	

Mr. BENTINCK called to the Chair.

Resolved, "That the carving table and clerks' desk be moved into the outer dining-room"—(Colonel *White*).

Resolved, "That the Serjeant-at-Arms be requested to apply to the Office of Works for travelling-tables, dishes, and covers, and an addition to dripping-pan of four galvanised iron plates (for the kitchen)"—(Colonel *White*.)

Motion made, "That the Serjeant-at-Arms be requested to submit the tariff of this year and last year respectively to Mr. Speaker, and that the Serjeant-at-Arms should ask Mr. Speaker if he considers that the tariff of this year attains the object which the Commissioners had in view when they granted the additional 200 *l.* a year."—(Lord *R. Montagu*). —Consideration of Motion adjourned.

[Adjourned till Friday next, at a quarter past Three.

Veneris, 11° *die Martii*, 1864.

MEMBERS PRESENT:

Colonel White.	Lord R. Montagu.
Mr. Dalglish.	Mr. Bentinck.

Mr. BENTINCK called to the Chair.

Motion again read, "That the Serjeant-at-Arms be requested to submit the tariff of this year and last year respectively to Mr. Speaker, and that the Serjeant-at-Arms should ask Mr. Speaker if he considers that the tariff of this year attains the object which the Commissioners had in view when they granted the additional 200 *l.* a year."—(Lord *R. Montagu*).

Motion, by leave, withdrawn.

A letter from the Office of Works, in answer to the application made to that office, according to a decision of the Committee on the 23d of February last, for the payment of certain bills for articles ordered by Mr. Short, read:—

Office of Works, S.W.
5 March 1864.

Sir,

I AM directed by the First Commissioner of Her Majesty's Works, &c., to acknowledge the receipt of your letter of the 23d ultimo, transmitting from the Committee on Kitchen and Refreshment Rooms (House of Commons), for the consideration of the Board, certain bills for articles ordered by Mr. Short, late keeper of the refreshment rooms, and, in reply, I am to state, for the information of the Committee, that the Board will, as recommended by them, pay Messrs. Barron, Son & Wilson's bill of 23 *l.* 11 *s.* 11 *d.* for a beer engine, &c., if, upon examination, it shall be found correct.

With regard to the counter supplied by Messrs. G. Smith & Co., the Board are of opinion that it should also be paid for by this department, it being an article which will be found of service in the refreshment rooms; and the Board will consequently settle the bill after the items have been examined, unless the Committee should be of opinion that some other course is preferable.

In the case of the remaining accounts, it does not appear to the Board desirable that they should pay them, the articles charged for in them being of a different character to those supplied by this department to the refreshment rooms: these accounts are returned to the Committee herewith.

I am, &c.
Alfred Austin,
Secretary.

W. More Molyneux, Esq.

[Adjourned till Friday next, at a quarter past Three o'clock.

Veneris, 18° *die Martii*, 1864.

MEMBERS PRESENT:

Colonel FRENCH, in the Chair.

Lord R. Montagu.
Mr. Bentinck.
Colonel White.

Resolved, "That the Serjeant-at-Arms be requested to send a requisition to the Office of Works for the following articles for the use of the Kitchen and Refreshment Rooms:"—

4 Magnum Japanned Wine Coolers.
6 Quart - ditto - ditto.
6 Pint - ditto - ditto.
24 Plated Salt Spoons.
1 Refrigerator (Japanned) for Iceing Water for Dining Room.
4 Deal Boxes lined with Lead, Waste Pipe, &c., for Iceing Champagne and Seltzer Water.
1 Baker's Mangle - -
1 Keely's Hydro Extractor } For Laundry.
Repairs to Knife-cleaning Machine.
2 Locks, Oil Cloth, and repairs to Lobby Counter.

Mr. Lucas handed in a list of the number of dinners supplied since the 18th of February.

Dinners supplied from the 18th of February to 18th of March 1864:—

February	18	-	-	dined	75	March	4	- -	dined 97
„	19	-	-	„	72	„	7	- -	„ 125
„	22	-	-	„	80	„	8	- -	„ 121
„	23	-	-	„	93	„	9	Wednesday	„ 39
„	24	Wednesday		„	50	„	10	- -	„ 85
„	25	-	-	„	80	„	11	- -	„ 93
„	26	-	-	„	75	„	14	- -	„ 77
„	29	-	-	„	81	„	15	- -	„ 108
March	1	-	-	„	46	„	16	Wednesday	„ 65
„	2	Wednesday		„	21	„	17	- -	„ 109
„	3	-	-	„	104		21 days.		1,696

Average, 80 per day.

[Adjourned till Tuesday, April 5th, at Two o'clock.

Martis, 5° *die Aprilis*, 1864.

MEMBERS PRESENT:

Colonel FRENCH, in the Chair.

Mr. Bentinck.
Lord R. Montagu.

Resolved, "That the Serjeant-at-Arms be requested to apply to the Office of Works to change the locks on the cellar doors for 'Chubb's' locks, in consequence of a suspicion that some wine has been abstracted."

Report brought up, read, and agreed to.

Ordered, To Report.

[Adjourned till Tuesday next, at a quarter past Three o'clock.

REPORT

FROM THE

SELECT COMMITTEE

ON THE

KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS);

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
5 April 1864.

175.

Under 2 *oz.*

SECOND

REPORT

FROM THE

SELECT COMMITTEE

ON THE

KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS);

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
12 *July* 1864.

Veneris, 5° die Februarii, 1864.

Ordered, THAT a Standing Committee be appointed to control the Arrangements of the Kitchen and Refreshment Rooms in the Department of the Serjeant-at-Arms attending this House.

Committee nominated of—

Colonel French.
Mr. Bentinck.
Lord Robert Montagu.
Mr. Dalglish.
Colonel White.
Mr. Onslow.
Mr. Alderman Rose.

Ordered, THAT Three be the Quorum of the Committee.

Martis, 5° die Aprilis, 1864.

Ordered, THAT the Committee have power to report their Opinion and Observations from time to time to The House.

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SECOND REPORT.

THE SELECT COMMITTEE appointed to Control the Arrangements of the KITCHEN and REFRESHMENT ROOMS in the Department of the SERJEANT-AT-ARMS attending The HOUSE;——HAVE agreed to the following REPORT:—

THAT your Committee is able to report favourably upon the working of the arrangements made by them at the close of last Session, for improving the management of the Refreshment Rooms. The daily average of dinners supplied during the present Session exceeds by one-half that of last year.

That your Committee is still of opinion that the enlargement of the Dining Rooms, according to Mr. Edward Barry's plan (a section of which was appended to their First Report of last year), is essential to the proper accommodation of Members; and, therefore, recommends that it should be carried into execution during the Recess.

PROCEEDINGS OF THE COMMITTEE.

Martis, 12° *die Aprilis*, 1864.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Onslow.
Mr. Bentinck.
Lord Robert Montagu.

A letter from Messrs. *Standring & Turner* read, and considered.

To the Honourable the Refreshment Committee of the House of Commons.

Gentlemen, 152, Minories, 7 April 1864.

WE have the honour to address you on the subject of the supply of our wines to the House of Commons. It has come to our knowledge that our port wine is put on table so warm and in such condition that gentlemen have complained of it, and sent it away as undrinkable. This is from no fault in its quality; but we find that it is the practice to keep all the wines standing upright in the bar many days, or perhaps weeks, before using them. This is especially injurious to port, claret and the light wines; the sparkling wines become flat, and sherry is put on table warm, instead of, as it should be, cool from the cellar. As this is not giving the wines fair play, we trust your Honourable Committee will be pleased to give such instructions as may remedy the evil.

We have, in addition, to state that Mr. Lucas does not admit his responsibilty for deficiencies in the stock, although, on the transfer from Mr. Short to him, the stock was taken by us, and checked by his man, and we have no means of knowing the quantities consumed except by the reduction of the stock. We must, therefore, ask you to protect our interests in this matter, as we gave up the care and control when we stocked our cellar at the House of Commons.

We shall be happy to wait upon your Honourable Committee personally, should it be your wish to see us on the above or other matters.

We have, &c.
Standring Bros. & Turner.

Mr. *Lucas* called in, and examined.

Resolved, "That the Serjeant-at-Arms be requested to send a demand to the Office of Works for certain articles required."

[Adjourned till Tuesday next, at a Quarter past Three o'clock.

Martis, 19° *die Aprilis*, 1864.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Bentinck.
Lord Robert Montagu.

Mr. *Standring* attended the Committee to consider an arrangement proposed for placing wine-bins in a closet adjoining the Dining Rooms.

Mr. *Lucas* examined.

Resolved, "That it is desirable that the closet on the left side of the outer Dining Room (now used as a pantry) be converted into an upstairs cellar for the wines required for immediate use, and that the glass screen on the same side be extended so as to form a wine-bar."

Resolved,

Resolved, "That the Serjeant-at-Arms be requested to send a demand to the Office of Works for certain articles required."

[Adjourned till Tuesday next, at Half-past Three.

Martis, 26° *die Aprilis*, 1864.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Lord Robert Montagu.	Mr. Rose.
Mr. Dalglish.	

Resolved, "That the Serjeant-at-Arms be requested to send a demand to the Office of Works for certain articles."

[Adjourned till Tuesday next, at Half-past Three.

Martis, 3° *die Maii*, 1864.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Lord Robert Montagu.	Mr. Rose.
Mr. Dalglish.	

A letter from Mr. *Leatham* read, complaining of the price charged for a mutton chop.

Also, from Major *O'Reilly*, suggesting that the names of each successive speaker should be posted in the Dining Rooms.

Resolved, "That the Serjeant-at-Arms be requested to send a demand to the Office of Works for certain articles."

Resolved, "That the charge for one mutton chop, including 'Table,' shall not exceed one shilling."

[Adjourned till Tuesday next, at Half-past Three.

Martis, 10° *die Maii*, 1864.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Dalglish.	Lord Robert Montagu.

The Committee deliberated.

[Adjourned till Tuesday, 31st May, at Half past Three o'clock.

Martis, 31° *die Maii*, 1864.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Dalglish.	Lord Robert Montagu.
Mr. Rose.	

Mr. *Lucas* handed in a list of dinners supplied from 1 March to 30 May; viz., 3,362 dinners; average 82 per diem.

Account of wine abstracted from the cellars before the locks were altered.

	£.	s.	d.
GREEN'S:			
One gallon draught pale Sherry - - - - - at 18*s.*	–	18	–
Three quarters Port - - - - - - - at 24*s.*	–	18	–
One bottle Chambertin - - - - - - - at 7*s.*	–	7	–
Two pints Bouzy Sec Champagne - - - - - at 3*s.* 6*d.*	–	7	–
One bottle, one pint Leoville - - - - - - at 9*s.*	–	9	–
Seven pints old Port - - - - - - - at 3*s.* 6*d.*	1	4	6
STANDRING'S.			
Fifteen half pints old Port - - - - - - at 1*s.* 6*d.*	1	2	6
Three bottles Rodevers - - - - - - - at 6*s.*	–	18	–
One bottle brown East India - - - - - - at 6*s.*	–	6	–
Four pints St. Julien - - - - - - - at 1*s.* 3*d.*	–	5	–
Two pints La Fitte - - - - - - - - at 4*s.*	–	8	–
One bottle Beaune - - - - - - - - at 3*s.*	–	3	–
Two bottles Moet's Champagne - - - - - - at 5*s.* 6*d.*	–	11	–
Two pints - ditto - - - - - - - - at 3*s.*	–		–
One pint superior Burgundy - - - - - - at 2*s.*	–	2	–
One bottle Chateau Yquem - - - - - at 10*s.* 6*d.*	–	10	6
£.	8	15	6

[Adjourned till Tuesday next, at half-past Three o'clock.

Martis, 7° die Junii, 1864.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Mr. Dalglish. | Lord Robert Montagu.

Resolved, "That the Serjeant-at-Arms be requested to send a demand for certain articles required for the Service of the Dining Rooms."

Resolved, "That the outer Dining Room is to be used solely by Members and their Friends dining with them, officers of the House, and the Sheriffs of London, on their coming to present Petitions to the House."

[Adjourned till Tuesday next, at Half-past Three o'clock.

Martis, 14 *die Junii*, 1864.

MEMBERS PRESENT.

Colonel FRENCH in the Chair.

Mr. Dalglish. | Lord Robert Montagu.

Committee deliberated.

[Adjourned till Tuesday, June 28th, at Half-past Three o'clock.

Martis, 28° *die Junii*, 1864.

MEMBERS PRESENT.

Colonel FRENCH in the Chair.

Lord Robert Montagu. | Mr. Onslow.

Committee deliberated.

[Adjourned till Thursday next, at Half-past Three o'clock.

Jovis, 30° *die Junii*, 1864.

MEMBERS PRESENT.

Colonel FRENCH in the Chair.

Colonel White. | Lord Robert Montagu.

The following letter from the Inland Revenue Office to Mr. Henry Lucas, read;—

Inland Revenue, Somerset House, London, W. C.,
23 June 1864.

Sir,

I HAVE laid before the Board of Inland Revenue your letter of the 3d instant, stating that you are directed by the Kitchen Committee of the House of Commons to claim exemption under the Assessed Tax Acts for the year 1864-65, for certain male servants employed by you as keeper of the Refreshment Rooms.

In reply, I am directed to state that the Board have inquired into the matter, and find that this application is not made by the direction of the Refreshment Committee, who disclaim any responsibility for the servants kept by you.

These servants are your servants, and you must return them for assessment immediately. I enclose you a form, which, when filled up, should be sent to the assessor.

I am, &c.
C. Hay.

Resolved, "That the Clerk to this Committee be directed to write to the Commissioners of Inland Revenue, informing them that the Committee did direct Mr. Lucas to claim the exemption, which has always been allowed up to this time, and that the Commissioners of Inland Revenue have consequently been misinformed by some one who was not cognizant of the facts, and is unconnected with the Committee"—(*Lord R. Montagu*).—(The exemption claimed is for 17 waiters and 2 cooks, who are employed solely for the Refreshment Department of the House of Commons).

[Adjourned till Tuesday, July 12th, at Half-past Three o'clock.

Martis, 12° *die Julii*, 1864.

MEMBERS PRESENT:

Colonel FRENCH in the Chair.

Colonel White. | Mr. Dalglish.

Mr. Lucas handed in a statement of the dinners supplied during this Session, with his observations:—

"Mr. Lucas desires to report, for the information of the Kitchen Committee of the House of Commons, that the number of dinners supplied from the 18th of February to the 8th of July, amounted to 6,200, averaging 85 dinners per day; and that the sum of 573 *l.* 18 *s.* was paid for wine sold during that period.

"Mr. Lucas also desires to state, that, from the very limited accommodation afforded by the present Dining Rooms (tables only being provided for 94 Members), he has been greatly inconvenienced in supplying the dinners; and he would earnestly urge on the consideration of the Committee the necessity of widening the present Dining Rooms to give accommodation for at least one-third of the Members of the House, which, in the

event of the assembling of a new Parliament, would not be a less number than might be reasonably expected to dine.

"The ventilation of the Tea Room would be greatly improved in summer by the introduction of gas burners for heating water, in lieu of the present large coal fire; also the opening on hinges of the larder and kitchen windows."

Motion made, and Question put, That the Committee do recommend to the House that the enlargement of the Dining Rooms, as proposed last year, be carried into execution:—The Committee divided:

Aye, 1.	Noe, 1.
Colonel White.	Mr. Dalglish.

And the numbers being equal, the Chairman decided with the Ayes.

Resolved, "That the Serjeant-at-Arms be requested to send an order to the Office of Works for a gas stove to be placed in the fire-place of the Tea Room, and sundry other articles."

Report brought up, and agreed to.

Ordered, To Report.

SECOND

REPORT

FROM THE

SELECT COMMITTEE

ON THE

KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS);

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed*,
12 *July* 1864.

480. *Under* 2 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

REGISTRATION OF COUNTY VOTERS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

APPENDIX, AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
14 *April* 1864.

Martis, 9° die Februarii, 1864.

Ordered, THAT a Select Committee be appointed to inquire into the present System of Registration of County Voters for Members of Parliament in England and Wales, and whether any and what other Provisions should be made for the Registration of such Voters.

Martis, 16° die Februarii, 1864.

Committee nominated of—

Viscount Enfield.	Mr. Locke King.
Mr. Walter.	Sir Edward Colebrooke.
Mr. Dodson.	Mr. Longfield.
Mr. Hunt.	Mr. Collins.
Mr. Algernon Egerton.	Mr. Locke.
Mr. Henry Austin Bruce.	Mr. Evans.
Viscount Ingestre.	Mr. Charles Wynn.
Mr. Sclater-Booth.	

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Ordered, THAT it be an Instruction to the Committee that they have power to inquire into the sufficiency of the powers vested in Revising Barristers for enforcing order in their courts, and to report upon the same.

Jovis, 14° die Aprilis, 1864.

Ordered, THAT the Committee have power to report their Observations, together with the Minutes of Evidence taken before them, to The House.

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REPORT.

THE SELECT COMMITTEE appointed to inquire into the present System of REGISTRATION of COUNTY VOTERS for MEMBERS of PARLIAMENT in *England* and *Wales*, and whether any and what other Provisions should be made for the REGISTRATION of such VOTERS;——HAVE considered the Matters to them referred, and have agreed to the following REPORT:

1. THE Committee appointed to inquire into the present system of Registration of County Voters for Members of Parliament in England and Wales have examined persons experienced in the practice of registration in constituencies of various characters.

2. Your Committee have found the almost unanimous opinion of the witnesses examined to be, that the present system of County Registration is faulty, inasmuch as;

The registers are at once impure and defective; and where, and so far as these evils are remedied, the process is frequently attended with annoyance and expense to individuals.

James, 31, 222. Lewis, 773. Rogers, 1027–8. Baxter, 1828. Akroyd, 1391. Keary in App. *See* also Smith, 572, 747–54.

Great facilities are afforded for placing or continuing upon the register of a county the names of persons not qualified to vote.

James, 31. Smith, 570. Lewis, 804–11. Rogers, 1027. Akroyd, 1259. Birchall, 1660. Baxter, 1895. Roberts, 2330. Keary in Appendix.

Persons entitled to a vote are liable to be annually called upon to substantiate their right, and to show the correctness of their claims, or entries in the register, in every particular; moreover, objections are ventured on the chance that the persons objected to will be unable or unwilling to take up the challenge, and will thus forfeit their votes.

James, 31. Smith, 581, &c. Lewis, 816. Rogers, 1027, 1056. Akroyd, 1252. West, 1444, 1452. Birchall, 1660. Baxter, 1957. Deedes, 1996. Roberts, 2357. Keary in App.

The power possessed by the Revising Barristers of imposing costs fails adequately to guard against the above abuses; it is exercised on no uniform principle, and calls for some change in its extent or in its application.

James, 48, 95, 349. Smith, 591–3. Lewis, 806, 846, 854–6, 990, 1011–14. Rogers, 1040, 1057, 1070, 1139–45. Akroyd, 1253–5. West, 1452–9, 1466. Birchall, 1705. Deedes, 2003, 2010–15. Roberts, 2334–40. Baxter, 1952–7. Keary in Appendix.

3. Some witnesses have proposed, as a remedy, to make it incumbent upon every new claimant to prove, or at least to give *primâ facie* evidence of his right to be registered, or to support it by affidavit or by statutory declaration under the Act 5 & 6 Will. 4, c. 62; and to render any objector who failed to strike a name off the register, or to correct in some substantial point the claim or entry of the person objected to, necessarily subject to costs.

James, 43–47, and in Appendix. Akroyd, 1253. Roberts, 2332, 2349.

4. Your Committee are not, however, prepared to recommend a plan which would increase the difficulties of registering new claimants, an object which the Committee rather consider it desirable to facilitate and encourage. On the other hand, so long as the purity and correctness of the register is left dependant upon the vigilance of individual objectors, it would be neither just nor politic to render the law of costs such as might deter or materially discourage persons from objecting.

5. According to the evidence of the majority of the persons examined, the following alterations in the law are desirable:

James, 127. Smith, 584-5. Lewis, 815-18. Rogers, 1059. West, 1474. Birchall, 1677. Deedes, 1997. Roberts, 2336. Baxter, 1958. Keary, in Appendix.

I. That every notice of objection given by a registered elector should specify the ground or grounds of his objection.

Smith, 617-18. Lewis, 812. Rogers, 1060. Birchall, 1690-2. Deedes, 1997. Roberts, 2400. *See* also James, 75. Baxter, 1975. Keary, in Appendix.

II. That overseers objecting should be bound to specify the ground or grounds of their objection, and to give notice thereof to the address of the person objected to, in the same manner as any other objector.

Smith, 711. Lewis, 814. Rogers, 1040, 1057. West, 1581, 1607. Deedes, 2032-5. *See* also Baxter, 2184-9. Keary, in Appendix.

III. That any claimant or registered elector objected to on any ground as not qualified to have a vote, should be at liberty to make a statutory declaration, under 5 & 6 Will. 4, c. 62, in support of his right, and to inform the objector that he had made it; that any objector thereupon persisting in his objection should, unless he succeeded in keeping or striking the name off the register, be necessarily subject to costs.

Smith, 589, 670. Lewis, 837, 940-8. West, 1481, 1597. Birchall, 1677. Baxter, 1980. Roberts, 2352.

IV. That any claimant or registered elector objected to on the ground of any error or incompleteness in his claim or entry in the register, should be at liberty to correct such error, or to supply information to complete his claim or entry, by letter addressed to some person officially charged with the preparation of the register, and to inform the objector thereof; that any objector thereupon persisting in his objection, should, unless he succeeded in making it good, be necessarily subject to costs.

James, 78, 99, 108-16, and in Appendix. Rogers, 1032. Akroyd, 1424-7. Roberts, 2393-7. Smith, 615. Lewis, 821.

V. That each parish list in the register should contain, not only the names of voters qualified for property situate within such parish, but also the names of voters residing in such parish, but qualified for property situate in other parishes of the same county; and that the register, or polling number of such voters, should be placed against their names in the parish of their residence, instead of in that of their qualifying property.

James, 31, 128. Smith, 575. Birchall, 1741. Baxter, 1988. Roberts, 2409. *See* also Roger, 1061, 1099, 1156.

VI. That the Clerk of the Peace should annually furnish the overseers of the parishes in his county with a sufficient number of lists of registered voters in their several parishes for publication and sale, from the copies of the register in his possession.

James, 31, 72. Smith, 604. Birchall, 1750. Baxter, 1990. Roberts, 2401. Rogers, 1065.

VII. That the list of voters on the existing register in each parish should be annually published by the overseers on the same day as the notices to claim.

6. Your Committee are of opinion that the above changes would be improvements in the present system of registration; but they consider that in regard of objections by overseers, when made on the ground of death, notices of objections need not be served.

7. They consider that each ground of objection taken by an objector should be treated as a separate objection; that costs should follow the event, unless the Revising Barrister in his discretion saw fit to withhold them, or, in a case where several grounds of objection had been taken, some of which succeeded while others failed, to compound the costs.

8. Your Committee have particularly inquired into the possibility of making the registration of county voters in England and Wales less dependent on the care of individuals, or the activity of political agents, and more a subject of official agency. In Scotch and Irish counties, and in boroughs throughout the three kingdoms, registration is a matter of official agency, supplemented and checked by individual action. The nature and variety of the qualifications for the county franchise in England and Wales, depending as it does mainly on title, tenure, and beneficial interest, limit the application of any official system, and render it impossible to dispense with individual action to the same extent as in constituencies in which the franchise depends on more apparent circumstances.

James 62-5. Lewis, 839. Rogers. 1030-9. Akroyd, 1274. West, 1480. Birchall, 1693. Baxter, 1981-5. Roberts, 2353-6, 2412, 13. James, in Appendix.

9. Most of the witnesses have expressed themselves in favour of entrusting the correction of claims and entries in all points not essential to the right to vote to official agents, to whom the claimants and electors should be invited to furnish all requisite information. Mr. James, in particular, has laid before the Committee an elaborate scheme for this purpose.

10. Again,

10. Again, several witnesses are of opinion that the duty of annually making out lists of persons entitled to vote, but not already on the register, might, within certain limits, and subject to certain safeguards, be carried out by official agents, although it is not denied that such lists must necessarily be imperfect. Baxter, 1831, 1927–9. Lewis, 774. Roberts, 2359. West, 1554, 1616, 1617. Keary in App. *See* also Smith, 647.

11. Your Committee submit the following as in their opinion the most complete system of official registration which the nature of the county franchises, and the imperfect information as to ownership, tenancy, and value of properties afforded by valuation lists or rate-books, admit of:

That it should be the duty of the overseers of every parish, in each year, on or before the 1st day of June, to communicate to the Clerk of the Peace of their county their objections to the continuance of the name of any person on the existing register, together with the ground or grounds of such objections; also to inform him of any corrections which, so far as they can ascertain, ought to be made in the entries of any voters, and to transmit to him a list, headed "Supplemental List," of all persons not already upon the register who appear, from the information afforded by the rate-books, in conjunction with any information derived from other sources, entitled to be registered as voters for the county.

That it should be the duty of the Clerk of the Peace to direct the attention of the overseers to any errors or omissions apparent on the face of the Supplemental List, and to note on copies of the register for each parish the objections to any name entered therein, and briefly the ground of such objection, and on or before the 18th day of June to furnish the overseers of each parish with a sufficient number of such annotated copies of the register for the parish, for publication and sale.

That the overseers should, on the 20th day of June in every year publish the notices to claim, and also the annotated copy of the old register, and the supplemental list.

That all claims should, on or before the 20th day of July, be sent to the overseers, who should, on or before the 25th of July, publish the list of claimants for their parish, and transmit the claims to the Clerk of the Peace.

That no elector should be at liberty to object to any person, except on grounds disputing his qualification, but that all objections on other grounds should be notified to the Clerk of the Peace.

That any registered elector objecting to any person on the existing register, on the supplemental list, or on the list of claimants, as not qualified to be registered, should, on or before the 15th day of August, send notice of his objection, stating the ground or grounds thereof, to the overseers and to the person objected to.

That overseers should in the same manner be bound to give notice of objections taken by them to the persons objected to.

That the overseers should, on or before the 20th day of August, publish a list of the persons objected to, and transmit the objections received to the Clerk of the Peace.

That any person objected to should be at liberty after receipt of the notice of objection, to make a statutory declaration in support of his right to be registered as before-mentioned. Notice to occupying tenants.

That in the case of non-resident voters further provision should be made for calling their attention to a notice of objection through the medium of their occupying tenants.

That the law as to costs should be such as above recommended, but that the maximum in each be 5 *l.*

That it should be the duty of the Clerk of the Peace, on or before the 10th day of July in every year, to send to any voter whose entry in the register was marked by the overseers as incorrect, but not corrected by them, or being corrected by them, appeared to the Clerk of the Peace not satisfactorily or sufficiently corrected, or appeared to the Clerk of the Peace to be incorrect or insufficient, a copy of such entry, requesting him to correct or complete the same, and return it on or before the 1st day of August.

That in the event of no return being made by such voter, the Revising Barrister should mark his entry with a note of interrogation, and it should appear with that mark appended to it in the register. In the event of the voter failing to furnish information as to the correctness of such entry in the course of the following year, the Revising Barrister should expunge his name from the register.

That it should be the duty of the Clerk of he Peace, on or before the 1st day of June in every third year, to send to every elector not residing in the county a copy of his entry in the register, requesting him to alter the same if in any way incorrect or insufficient, and to return it on or before the 1st day of August.

That if no return be made by such elector, his entry should be dealt with as that of a voter failing to correct or complete his entry when required so to do.

That it should be the duty of the Clerk of the Peace, where any claim appeared to him, on the face of it, incorrect or incomplete, to communicate with the claimant, requesting him to correct or complete such claim on or before the 1st day of September; and in the event of such claimant failing to correct or complete such claim, it should be a question for the decision of the Revising Barrister whether such claimant's name should be placed upon the register for that year, with a note of interrogation appended, or whether the claim should be disallowed.

That the corrections made by the Overseers or received by the Clerk of the Peace from voters or claimants should be submitted to the Revising Barrister for his approval and sanction, and that he should make such further corrections as might be shown to his satisfaction to be required.

That the Overseers should, in every case where called upon, give an account to the Revising Barrister of their reasons for placing the name of any person upon the supplemental list, and produce the rate-books for his inspection.

That where the grounds for placing any name upon the list did not appear to the Revising Barrister satisfactory, he should strike out such name.

That the Overseers should in every case satisfy the Revising Barrister of the death of any person objected to by them as dead.

12. The Committee feel the difficulties that must attend the adoption of official registration in counties. They recommend, however, the introduction of such a system, as far as possible, in the belief that it will be the means of adding to the registers numbers of qualified persons who now remain unregistered; that it will provide for the correctness of entries, while in great measure removing the occasion for vexatious and speculative objections; and that, although the vigilance of party agents will still be requisite to ensure a pure and complete register, their action will be confined to the legitimate operation of assisting in registering their own friends, and resisting the registration of those opponents whom they have reason to suppose not entitled to the franchise.

14 April 1864.

PROCEEDINGS OF THE COMMITTEE.

Lunæ, 22° *die Februarii*, 1864.

MEMBERS PRESENT:

Viscount Enfield.	Mr. Dodson.
Mr. Hunt.	Mr. Collins.
Mr. Longfield.	Mr. Hunt.
Mr. Wynn.	Viscount Ingestre.
Mr. Austin Bruce.	Mr. Sclater-Booth.
Mr. Egerton.	Mr. Locke.

Mr. DODSON was called to the Chair.

The Committee deliberated.

[Adjourned to Friday next, at Twelve o'clock.

Veneris, 26° *die Februarii*, 1864.

MEMBERS PRESENT:

Mr. DODSON in the Chair.

Mr. Sclater-Booth.	Viscount Enfield.
Viscount Ingestre.	Mr. A. Egerton.
Mr. Hunt.	Mr. Collins.
Mr. Wynn.	Mr. Locke King.
Sir E. Colebrooke.	Mr. Longfield.
Mr. Locke.	Sir E. Colebrooke.
Mr. Austin Bruce.	

The Committee examined Mr. *James*.

[Adjourned to Tuesday next, at Twelve o'clock.

Martis, 1° *die Martii*, 1864.

MEMBERS PRESENT:

Mr. DODSON in the Chair.

Mr. Austin Bruce.	Mr. Hunt.
Viscount Ingestre.	Mr. Sclater-Booth.
Mr. Longfield.	Mr. A. Egerton.
Mr. Evans.	Viscount Enfield.
Sir E. Colebrooke.	Mr. Locke King.
Mr. Collins.	Mr. Locke.
Mr. Wynn.	

The Committee further examined Mr. *James*.

The Committee examined Mr. *Smith*.

[Adjourned to Friday, at Twelve o'clock.

Veneris, 4° *die Martii*, 1864.

MEMBERS PRESENT:

Mr. DODSON in the Chair.

Mr. Collins.	Viscount Ingestre.
Mr. Hunt.	Viscount Enfield.
Mr. Evans.	Mr. Locke.
Mr. Sclater-Booth.	Mr. C. Wynn.
Sir E. Colebrooke.	Mr. Egerton.

The Committee further examined Mr. *Smith*.

The Committee examined Mr. *Lewis* and Mr. *Rogers*.

[Adjourned to Monday next, at Twelve o'clock.

Martis, 8° *die Martii*, 1864.

MEMBERS PRESENT:

Mr. DODSON in the Chair.

Mr. Sclater-Booth.	Mr. Evans.
Mr. H. Austin Bruce.	Mr. Hunt.
Sir E. Colebrooke.	Viscount Ingestre.
Mr. Collins.	Mr. Locke King.
Mr. Egerton.	Mr. Locke.
Mr. C. Wynn.	Viscount Enfield.

The Committee examined Mr. *Ackroyd* and Mr. *West*.

[Adjourned to Friday next, at Twelve o'clock.

Veneris, 11° *die Martii*, 1864.

MEMBERS PRESENT:

Mr. DODSON in the Chair.

Mr. Collins.	Mr. Sclater-Booth.
Viscount Ingestre.	Mr. C. Wynn.
Mr. H. Austin Bruce.	Viscount Enfield.
Mr. Evans.	Mr. Egerton.

The Committee examined Mr. *Burchill* and Mr. *Baxter*.

[Adjourned to Tuesday, at Twelve o'clock.

Martis, 15° *die Martii*, 1864.

MEMBERS PRESENT:

Mr. DODSON in the Chair.

Mr. Collins.	Mr. Evans.
Mr. Longfield.	Viscount Enfield.
Mr. Hunt.	Mr. Locke King.
Sir E. Colebrooke.	Mr. C. Wynn.
Mr. H. Austin Bruce.	

The Committee examined Mr. *Sharkie*, Mr. *Baxter*, Sir *E. Colebrooke* (a Member of the Committee), and Mr. *Roberts*.

[Adjourned to Friday, at Two o'clock, to consider Report.

Veneris, 18° *die Martii*, 1864.

MEMBERS PRESENT:

Mr. DODSON in the Chair.

Mr. Sclater-Booth.	Mr. Algernon Egerton.
Viscount Enfield.	Mr. Walter.
Viscount Ingestre.	Mr. Collins.
Mr. Hunt.	Mr. Evans.
Mr. C. Wynn.	Mr. Austin Bruce.
Sir E. Colebrooke.	

The Committee deliberated as to their Report.

[Adjourned to Tuesday, the 12th April, at Twelve o'clock.

Martis, 12° *die Aprilis*, 1864.

MEMBERS PRESENT:

Mr. DODSON in the Chair.

Mr. Hunt.	Mr. Sclater-Booth.
Viscount Enfield.	Mr. Collins.
Mr. Walter.	Mr. Locke King.
Mr. Algernon Egerton.	Sir E. Colebrooke.
Mr. H. Austin Bruce.	Viscount Ingestre.

A draft of Report proposed by the Chairman was read 1°, as follows :—

"1. The Committee appointed to inquire into the present system of Registration of County Voters for Members of Parliament in England and Wales, have examined election agents and other persons experienced in the practice of registration in constituencies of various characters.

"2. Your Committee have found the almost unanimous opinion of the witnesses examined to be, that the present system of County Registration is faulty, inasmuch as—

"I. The registers produced are frequently impure and defective; and where, and so far as these evils are remedied, the process is attended with annoyance and expense to individuals. James, 31, 222. Lewis, 773. Rogers, 1027–8. Baxter, 1828. Akroyd. 1391. Keary, in App. *See* also Smith, 572, 747–54.

"II. It affords great facilities for placing or continuing upon the register of a county the names of persons not qualified to vote. James, 31. Smith, 570. Lewis, 804–11. Rogers, 1027. Akroyd, 1259. Birchall, 1660. Baxter, 1895. Roberts, 2330. Keary, in Appendix.

"III. It exposes persons entitled to a vote to be annually called upon to substantiate their right, and to show the correctness of their claims, or entries in the register, in every particular; moreover, objections are ventured on the chance that the persons objected to will be unable or unwilling to take up the challenge, and will thus forfeit their votes. James, 31. Smith, 581, &c. Lewis, 816. Rogers, 1027, 1056. Akroyd, 1252. West, 1444, 1452. Birchall, 1660. Baxter, 1957. Deedes, 1996. Roberts, 2357. Keary, in Appendix.

"IV. The power possessed by the Revising Barristers, of imposing costs, fails adequately to guard against the above abuses; it is exercised on no uniform principle, and calls for some change in its extent or in its application. James, 48, 95, 349. Smith, 591–3. Lewis, 806, 846, 854–6, 990, 1011–14. Rogers, 1040, 1057, 1070, 1139–45. Akroyd, 1253–5. West, 1452–9, 1466. Birchall, 1705. Deedes, 2003, 2010–15. Roberts, 2334–40. Baxter, 1952–7. Keary, in Appendix.

"3. Some witnesses have proposed, as a remedy, to make it incumbent upon every new claimant to prove, or at least to give *primâ facie* evidence of his right to be registered, or to support it by affidavit or by statutory declaration, under the Act 6 Will. 4, c. 62; and to render any objector who failed to strike a name off the register, or to correct in some substantial point the claim or entry of the person objected to, necessarily subject to costs. James, 43–47, and in Appendix. Akroyd, 1253. Roberts, 2332, 2349.

"4. Your Committee are not, however, prepared to recommend a plan which would increase the difficulties of registering new claimants, an object which the Committee rather consider it desirable to facilitate and encourage. On the other hand, so long as the purity and correctness of the register is left dependent upon the vigilance of individual objectors, it would be neither just nor politic to render the law of costs such as might deter or materially discourage persons from objecting.

"5. According to the evidence of the majority of the persons examined, the following alterations in the law are desirable:

James, 127. Smith, 584–5. Lewis, 815–18. Rogers, 1059. West, 1474. Birchall, 1677. Deedes, 1997. Roberts, 2336. Baxter, 1958. Keary in Appendix.

"I. That every notice of objection given by a registered elector should specify the ground or grounds of his objection.

Smith, 617–18. Lewis, 812. Rogers, 1060. Birchall, 1690–2. Deedes, 1997. Roberts, 2400. *See* also James, 75. Baxter, 1975. Keary in Appendix.

"II. That overseers objecting should be bound to specify the ground or grounds of their objection, and to give notice thereof to the person objected to, in the same manner as any other objector.

Smith, 711. Lewis, 814. Rogers, 1040, 1057. West, 1581, 1607. Deedes, 2022–5. *See* also Baxter, 2184–9. Keary in Appendix.

"III. That any claimant or registered elector objected to on any ground as not qualified to have a vote, should be at liberty to make a statutory declaration, under 6 Will. 4, c. 62, in support of his right, and to inform the objector that he had made it; that any objector thereupon persisting in his objection should, unless he succeeded in keeping or striking the name off the register, be necessarily subject to costs.

Smith, 589, 670. Lewis, 837, 940–8. West, 1481, 1597. Birchall, 1677. Baxter, 1980. Roberts, 2352.

"IV. That any claimant or registered elector objected to on the ground of any error or incompleteness in his claim or entry in the register, should be at liberty to correct such error, or to supply information to complete his claim or entry, by letter addressed to some person officially charged with the preparation of the register, and to inform the objector thereof; that any objector thereupon persisting in his objection, should, unless he succeeded in making it good, be necessarily subject to costs.

James, 78, 99, 108–16, and in Appendix. Rogers, 1032. Akroyd, 1424–7. Roberts, 2393–7. Smith, 615. Lewis, 821.

"V. That each parish list in the register should contain, not only the names of voters qualified for property situate within such parish, but also the names of voters residing in such parish, but qualified for property situate in other parishes of the same county; and that the register, or polling number of such voters, should be placed against their names in the parish of their residence, instead of in that of their qualifying property.

James, 31, 128. Smith, 575. Birchall, 1741. Baxter, 1988. Roberts, 2409. *See* also Roger, 1061, 1099, 1156.

"VI. That the Clerk of the Peace should annually furnish the overseers of the parishes in his county with a sufficient number of lists of registered voters in their several parishes for publication and sale, from the copies of the register in his possession.

James, 31, 72. Smith, 604. Birchall, 1750. Baxter, 1990. Roberts, 2401. Rogers, 1065.

"VII. That the list of voters on the existing register in each parish should be annually published by the overseers on the same day as the notices to claim.

"6. Your Committee are of opinion that the above changes would be improvements in the present system of registration.

"7. They consider that each ground of objection taken by an objector should be treated as a separate objection; that costs should follow the event, unless the Revising Barrister, in his discretion, saw fit to withhold them, or, in a case where several grounds of objection had been taken, some of which succeeded while others failed, to compound the costs.

"8. Your Committee have particularly inquired into the possibility of making the registration of county voters in England and Wales less dependent on the care of individuals, or the activity of political agents, and more a subject of official agency. In Scotch and Irish counties, and in boroughs throughout the three kingdoms, registration is a matter of official agency, supplemented and checked by individual action. The nature and variety of the qualifications for the county franchise in England and Wales, depending, as it does, mainly on title, tenure, and beneficial interest, limit the application of any official system, and render it impossible to dispense with individual action to the same extent as in constituencies in which the franchise depends on more apparent circumstances.

James, 62–5. Lewis, 839. Rogers, 1030–9. Akroyd, 1274. West, 1480. Birchall, 1693. Baxter, 1981–5. Roberts, 2353–6, 2412, 13. James, in Appendix.

"9. Most of the witnesses have expressed themselves in favour of entrusting the correction of claims and entries in all points not essential to the right to vote to official agents, to whom the claimants and electors should be invited to furnish all requisite information. Mr. James, in particular, has laid before the Committtee an elaborate scheme for this purpose.

Baxter, 1831, 1927–9. Lewis, 774. Roberts, 2359. West, 1554, 1616, 1617, Keary in Appendix. *See* also Smith, 647.

"10. Again, several witnesses are of opinion that the duty of annually making out lists of persons entitled to vote, but not already on the register, might, within certain limits and subject to certain safeguards, be carried out by official agents, although it is not denied that such lists must necessarily be imperfect.

"11. Your Committee submit the following as in their opinion the most complete system of official registration which the nature of the county franchises, and the imperfect information as to ownership, tenancy, and value of properties afforded by valuation lists or rate-books, admit of:

"That it should be the duty of the overseers of every parish, in each year, on or before the 1st day of June, to communicate to the Clerk of the Peace of their county their objections to the continuance of the name of any person on the existing register, together with the ground or grounds of such objections; also to inform him of

of any corrections which, so far as they can ascertain, ought to be made in the entries of any voters, and to transmit to him a list, headed "Supplemental List," of all persons not already upon the register who appear, from the information afforded by the rate-books, in conjunction with any information derived from other sources, entitled to be registered as voters for the county.

"That it should be the duty of the Clerk of the Peace to direct the attention of the overseers to any errors or omissions apparent on the face of the Supplemental List, and to note on copies of the register for each parish the objections to any name entered therein, and briefly the ground of such objection, and on or before the 18th day of June to furnish the overseers of each parish with a sufficient number of such annotated copies of the register for the parish, for publication and sale.

"That the overseers should on the 20th day of June in every year publish the notices to claim, and also the annotated copy of the old register, and the Supplemental List.

"That all claims should, on or before the 20th day of July, be sent to the overseers, who should, on or before the 25th day of July, publish the list of claimants for their parish, and transmit the claims to the Clerk of the Peace.

"That no elector should be at liberty to object to any person, except on grounds impugning his right to a vote.

"That any registered elector objecting to any person on the existing register, on the supplemental list, or on the list of claimants, as not qualified to be registered, should, on or before the 15th day of August, send notice of his objection, stating the ground or grounds thereof, to the overseers and to the person objected to.

"That overseers should in the same manner be bound to give notice of objections taken by them to the persons objected to.

"That the overseers should, on or before the 20th day of August, publish a list of the persons objected to, and transmit the objections received to the Clerk of the Peace.

"That any person objected to should be at liberty at any time after receipt of the notice of objection, to make a statutory declaration in support of his right to be registered as before mentioned.

"That the law as to costs, should qe such as above recommended.

"That it should be the duty of the Clerk of the Peace, on or before the 10th day of July in every year, to send to any voter whose entry in the register was marked by the overseers as incorrect, but not corrected by them, or being corrected by them, appeared to the Clerk of the Peace not satisfactorily or sufficiently corrected, or appeared to the Clerk of the Peace to be incorrect or insufficient, a copy of such entry, requesting him to correct or complete the same, and return it on or before the 1st day of August.

"That in the event of no return being made by such voter, the Revising Barrister should mark his entry with a note of interrogation, and it should appear with that mark appended to it in the register. In the event of the voter failing to furnish information as to the correctness of such entry in the course of the following year, the Revising Barrister should expunge his name from the register.

"That it should be the duty of the Clerk of the Peace, on or before the 1st day of June in every third year, to send to every elector not residing in the county, a copy of his entry in the register, requesting him to alter the same if in any way incorrect or insufficient, and to return it on or before the 1st day of August.

"That if no return be made by such elector, his entry should be dealt with as that of a voter failing to correct or complete his entry when required so to do.

"That it should be the duty of the Clerk of the Peace, where any claim appeared to him, on the face of it, incorrect or incomplete, to communicate with the claimant, requesting him to correct or complete such claim on or before the first day of September; and in the event of such claimant failing to correct or complete such claim, it should be a question for the decision of the revising barrister whether such claimant's name should be placed upon the register for that year, with a note of interrogation appended, or whether the claim should be disallowed.

"That the corrections made by the Overseers, or received by the Clerk of the Peace from voters or claimants, should be submitted to the Revising Barrister for his approval and sanction, and that he should make such further corrections as might be shown to his satisfaction to be required,

"That the Overseers should, in every case where called upon, give an account to the Rivising Barrister of their reasons for placing the name of any person upon the supplemental list, and produce the rate-books for his inspection.

"That where the grounds for placing any name upon the list did not appear to the Revising Barrister satisfactory, he should strike out such name.

"12. The Committee feel the difficulties that must attend the adoption of official registration in counties. They recommend, however, the introduction of such a system, as far as possible, in the belief that it will be the means of adding to the registers, numbers of qualified persons who now remain unregistered; that it will provide for the correctness of

entries, while in great measure removing the occasion for vexatious and speculative objections; and that, although the vigilance of party agents will still be requisite to ensure a pure and complete register, their action will be confined to the legitimate operation of assisting in registering their own friends, and resisting the registration of those opponents whom they have reason to suppose not entitled to the franchise."

Motion made, and Question put, and agreed to:—That the Draft Report be now read 2° paragraph by paragraph.

Paragraphs 1 to 5 read 2°. Amendments made, and paragraphs agreed to.

Paragraph 6 read 2°.—Amendment proposed, before the words "Your Committee," to insert the words "speaking generally."—Question put, That those words be there inserted.—Committee divided:

Ayes, 3.	Noes, 7.
Mr. Hunt.	Sir E. Colebrooke.
Mr. Sclater-Booth.	Mr. Locke King.
Mr. Collins.	Mr. Walter.
	Mr. Egerton.
	Viscount Enfield.
	Viscount Ingestre.
	Mr. H. Austin Bruce.

Another Amendment proposed:—At the end of paragraph 6, to add these words, "but with regard to the recommendations contained in Section 2, they think they might require some modification"—(Mr. *Hunt*).—Question put, That those words be there added.—Committee divided:

Ayes, 4.	Noes, 6.
Mr. Hunt.	Sir E. Colebrooke.
Mr. Sclater-Booth.	Mr. Locke King.
Mr. Collins.	Mr. Walter.
Viscount Ingestre.	Mr. Egerton.
	Viscount Enfield.
	Mr. H. Austin Bruce.

Another Amendment proposed:—At the end of the paragraph to add these words, "but they consider that, in regard to objections by overseers, when made on the ground of death, notices of objection need not be served"—(Mr. *Egerton*).—Question put.—Committee divided:

Ayes, 6.	Noes, 4.
Mr. Egerton.	Sir E. Colebrooke.
Mr. Hunt.	Mr. Locke King.
Mr. Sclater-Booth.	Mr. Walter.
Mr. Collins.	Viscount Enfield.
Lord Ingestre.	
Mr. H. Austin Bruce.	

Words added.

Paragraph 6, as amended, agreed to.

Paragraphs 7, 8, 9, and 10 read 2°, and agreed to.

Paragraph 11 read 2°. Section 1. Amendment proposed, to leave out from the word "objection," line 5, to the end of the paragraph—(Mr. *Walter.*)—Question put, That the words proposed to be left out stand part of the Section.—Committee divided:

Ayes, 7.	Noes, 3.
Sir E. Colebrooke.	Mr. Walter.
Mr. Locke King.	Viscount Enfield.
Mr. Algernon Egerton.	Mr. Hunt.
Mr. Sclater-Booth.	
Mr. Collins.	
Viscount Ingestre.	
Mr. H. Austin Bruce.	

Question put, "That the section stand part of the paragraph."—Committee divided:

Ayes, 8.	Noes, 2.
Sir E. Colebrooke.	Viscount Enfield.
Mr. Locke King.	Mr. Hunt.
Mr. Walter.	
Mr. Algernon Egerton.	
Mr. Sclater-Booth.	
Mr. Collins.	
Viscount Ingestre.	
Mr. H. Austin Bruce.	

Section 2. Amendment proposed, to leave out the words after "peace," line 1, to "and," inclusive, line 5—(Mr. *Hunt.*)—Question put, "That the words proposed to be left out stand part of the Section."—Committee divided:

Ayes, 7.	Noes, 2.
Mr. Locke King.	Viscount Enfield.
Mr. Walter.	Mr. Hunt.
Mr. Algernon Egerton.	
Mr. Collins.	
Viscount Ingestre.	
Mr. Austin Bruce.	
Mr. Sclater-Booth.	

Section 5 amended. Question put, That the Section stand part of the paragraph.—Committee divided:

Ayes, 5.	Noes, 3.
Mr. Walter.	Mr. Algernon Egerton.
Viscount Enfield.	Mr. Hunt.
Mr. Sclater-Booth.	Viscount Ingestre.
Mr. Collins.	
Mr. H. Austin Bruce.	

Motion made, and Question proposed, That after Section 10 the following words be inserted, "That in the case of non-resident voters further provision should be made for calling their attention to a notice of objection through the medium of their occupying tenants."—(Mr. *Hunt.*)—Question put, That those words be there inserted.—Committee divided:

Ayes, 5.	Noes, 3.
Mr. Egerton.	Mr. Locke King.
Viscount Enfield.	Mr. Sclater-Booth.
Mr. Hunt.	Mr. Collins.
Viscount Ingestre.	
Mr. H. Austin Bruce.	

P. 12, read 2°. Amendment proposed, to leave out all the words after the word "Committee," in order to add these words, "The Committee, however, feeling the difficulties that must attend the adoption of official registration in counties in England and Wales, are not prepared to recommend the adoption of any such system."—Question put, That the words proposed to be left out stand part of the paragraph.—Committee divided:

Ayes, 6.	Noes, 2.
Mr. Locke King.	Viscount Enfield.
Mr. Egerton.	Mr. Hunt.
Mr. Sclater-Booth.	
Viscount Ingestre.	
Mr. Collins.	
Mr. H. Austin Bruce.	

Draft Report, as amended, agreed to.

Ordered, That this Report, together with the Evidence and Appendix, be the Report to The House.

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MINUTES OF EVIDENCE.

THE REFORM CLUB PALL MALL

Veneris, 26° *die Februarii*, 1864.

MEMBERS PRESENT:

Mr. Sclater-Booth.	Mr. Evans.
Mr. Henry Austin Bruce.	Mr. Hunt.
Sir Edward Colebrooke.	Viscount Ingestre.
Mr. Collins.	Mr. Locke King.
Mr. Dodson.	Mr. Longfield.
Mr. Algernon Egerton.	Mr. Walter.
Viscount Enfield.	Mr. Charles Wynn.

JOHN GEORGE DODSON, Esq., IN THE CHAIR.

WILLIAM ALBERT JAMES, Esq., called in; and Examined.

W. A. James, Esq.

26 February 1864.

1. *Chairman.*] I BELIEVE that you have been for several years engaged as a Registration Agent in the county of Middlesex?—I have.

2. For how many years?—I have been connected with the business of registration from my youth upwards. The first introduction that I had to the business of registration was in the year 1838. I then, as a youth, attended the Revision Courts for several of the metropolitan districts, and subsequently I was connected with the late Mr. James Coppock, the agent at the Revision Courts for the county of Middlesex, and other Revision Courts in the metropolitan districts. Since that period I have been actively engaged in the business of registration, particularly in the county of Middlesex; during the last five years my attention perhaps has been more particularly directed to the registration of the county of Middlesex, and to the registrations in the metropolitan boroughs.

3. I believe that you have not merely worked the thing practically, but have also given a great deal of thought to the subject, and have published several treatises upon it?—I have.

4. I will briefly read out to you a concise statement of what are the present qualifications for a county franchise, and will ask you to state whether that is correct or not. "The voters now entitled to the county franchise may be divided into five classes. 1. Persons seised of an estate of inheritance (*i. e.* in fee simple or fee tail) of freehold tenure of the value of 40 *s.* per annum. 2. Persons seised of an estate for life or lives of freehold tenure of the value of 10 *l.* per annum. 3. Persons seised of an estate for life or lives of freehold tenure under the value of 10 *l.* per annum who (*a*) actually and *bonâ fide* occupy the premises, or (*b*) were seised of such estate on the passing of the Act (7th June 1832), or (*c*) having acquired such estate after that day have acquired it by marriage, marriage settlement, devise, or promotion to a benefice or office. 4. Persons seised of any estate other than freehold, tenure of inheritance, or for life, of the value of 10 *l.* by the year (Section 19). 5. Persons possessed of a chattel interest of a certain value and duration in land (Section 20)?"—The first are the freehold interests, and the latter refers to the chattel interests; there are various chattel interests.

5. But that is a correct statement, as I understand, of the qualifications?—Yes. There are four principal classes of county qualifications, namely, freehold, copyhold, leasehold, and occupation. The freehold qualification includes a variety of interests in freehold, which constitute qualifications. There are three principal leasehold qualifications; there are copyhold qualifications, depending on various interests, which give a right to vote, and there is the 50 *l.* Chandos qualification.

6. Coming to the question which is more particularly the subject of inquiry by this Committee, namely, the registration; what is the process at present by which a person entitled to a vote gets his name placed on the register?—The whole of the law for the registration of voters for England and Wales is comprised within the Statute of the 6th Vict. c. 18. By that statute the Registration Clauses of the Reform Act are repealed, and new clauses are substituted, embodying many of the provisions which were in the Reform Act. The first proceeding in applying the Act to English counties, is for the Clerk of the Peace to issue a precept to the overseers

W. A. James, Esq.
26 February 1864.

of every parish within the county or division, which precept contains instructions as to the duties they are called upon to perform under the Act. With this precept he forwards a copy of the list of voters, or rather a copy of the register in existence for the parish. The instructions to the overseers are contained in the schedule B., No. 1 of the Act. Upon the receipt of these instructions and the copy of the register the overseer publishes a notice to the public, calling upon all persons possessing county qualifications to forward on or before the 20th of June a notice of claim in the form given in the schedule to the Act, or to the like effect. The notices of claim are directed to be delivered to him, or they may be served by post without any special provisions, or may be served by post under the special provisions provided in the Act for post office service of notices. At the expiration of the 20th of June, the overseer proceeds to examine the copy of the list of voters which he had received from the Clerk of the Peace, and to mark in the margin of the list the word "dead" against the names of any persons whom he knows to be dead, and the word "objected" against the names of persons whom he has reasonable cause to believe not to be entitled to have their names retained. From the notices received from claimants to be put upon the list, he proceeds to make out a new claim list of voters. He is directed by the Act to extract the particulars of each qualification as they are described in the notices of claim; the names are to be arranged in alphabetical order, and the new list published with a copy of the register.

7. Mr. *Hunt.*] That is published on the church doors?—It is published on the church and chapel doors throughout the parish. The lists are required to be published during two consecutive Sundays within the month of August.

8. Mr. *Longfield.*] Practically, the notice of claim is the first step by which a person seeks to get his name put upon the register?—It is so.

9. *Chairman.*] After a person's name is fairly on the register, what are the steps by which that name is removed?—I may say, in order to complete the statement, that copies of the lists are forwarded to the Clerk of the Peace, and that at the holding of the first revision court by the Revising Barrister, the lists are delivered to him for revision. The lists he has to revise are the list of new claims, and the copy of the register, marked with marginal objections by the overseer.

10. What is the process by which a name on the register is removed from the register?—There are two modes in which the names may be removed from the register; first, under the 40th section of the Act the Revising Barrister has power, without a notice of objection given to the elector, to remove the names of all persons who are so misdescribed that the particulars set forth do not constitute a qualification, or evidently there is no right whatever for the names to be retained. He has also power to expunge the names of any persons proved to him to be dead at the time of revising the list.

11. Viscount *Ingestre.*] Would a wrong number in a street be a disqualification in that case?—The Revising Barrister would have no power to expunge a name from the list under the 40th section; but if it were put before him upon notice of objection, he might expunge the name, unless the matter were supplied.

12. Mr. *Walter.*] Can you give us a specimen of the assumed wrong qualification which the Revising Barrister would expunge?—A person claiming in a borough for a leasehold house, for leasehold within a borough does not entitle a person to be registered. A claimant for "land," without stating whether it were "freehold," or "leasehold," or by what tenure he held the land, would have his name expunged; the Revising Barrister has no power to supply this omission. So any other important omission of the particulars essential to make out the qualification, would enable the Revising Barrister to expunge the name without a notice of objection.

13. *Chairman.*] You have spoken hitherto of the objections which are made by the overseers, have you not?—No; I was speaking of the correction of the register, without the operation of the notice of objection, without any notice to the elector.

14. Mr. *Hunt.*] Is this a correct account, namely, that the Revising Barrister has power, by the 40th section, "To expunge the name of every person, where the qualification stated is insufficient to confer a vote; to expunge the names of persons proved to be dead, and to expunge the name of any person proved to have been convicted of bribery, treating, or undue influence, or against whom judgment in any penal action for such offences has been obtained"?—Yes.

15. Mr. *Wynn.*] Practically, have you often known that power exercised by the Revising Barrister without notice?—Constantly in revising the lists. The overseer has no power whatever to omit a name from the copy of the register, nor has he power to omit the name of any person from whom he has received a proper notice of claim. He is the judge to a certain extent whether the notice of claim which he has received is in accordance with the law, but if it be in accordance with the law he is bound to insert the name in the list, however erroneous may be the description of the qualification in the claim, or if he know as a fact that the claimant has no right or title whatever to the qualification set up.

16. Mr. *Locke King.*] The overseer can only make those two marks, "dead," and "objected," can he?—Only those two. Those I have mentioned are the duties of the Revising Barrister, where there is no objection; but the mode of correcting the register is essentially by notices of objection. The first is by the overseers. The overseers have power to object to any person whom they know to be dead, and they have power to object to any whom they believe not to be entitled to be upon the list in respect of the qualification as stated in the list, but the overseer must be satisfied in his own mind before he makes the objection that there is a valid reason for it. By the 7th section of the Act it is enacted, "That every person who shall be upon the register for the time being for any county, may object to any other person upon any list of voters for such county as not having been entitled on the last day of July, then next proceeding to have his name inserted in any list of voters for such county."

17. Mr. *Walter.*] Has the overseer power, of his own motion, to place upon the list the name of any elector whom he may know to be entitled to be upon, but who is not upon it?—He has in this way: strictly according to the Act of Parliament, he is bound to insert names upon the

the list, according to the particulars as stated in any notice of claim; but by a decision of the Court of Common Pleas, in an appeal case of Davies, appellant, and Hopkins, respondent (a Welsh county case), the court held that the Revising Barrister was confined in the revision of the list to proof of the qualification with respect to any entry in the list, and that he had no power to enquire how a man had obtained the insertion of his name. The case came to the Court of Common Pleas upon a question whether a notice of claim, signed by an agent on behalf of a claimant, was a valid notice of claim; the Court held that it was, and the dictum of one of the judges went to this extent—that if the overseers, of their own accord and free will, placed a man upon the register in respect of a qualification they believed he possessed, the Revising Barrister had no other duty to perform than, if the right were objected to, to call upon the party to prove his qualification—that the Revising Barrister could not enter into any question as to proceedings anterior to the publication of the list.

18. Mr. *Hunt.*] Then, in fact, he has nothing to do with the way in which the names get on?—Nothing whatever.

19. Mr. *Sclater-Booth.*] Are we to understand you to say that the overseer has no power to omit from the register the name of a man whom he knows to be dead, but must only do it by way of objection?—He must not omit the name. He is directed to place the word "dead" upon the list.

20. Mr. *Walter.*] Is it the duty of the overseer, in case he knows that a certain name is not on the register which he knows ought to be on the register, to put it there?—No.

21. He has merely the discretionary power of putting it on?—He has merely the discretionary power—that discretionary power having been given to him lately by the decision to which I have referred.

22. Is he or anybody else bound to give notice to such a person, who may be absent for instance, and whose name may not be upon the register, is he bound to give notice to him that his name is not on, and ought to be on?—No; there is no provision of such a kind.

23. There is no provision in the law to protect the right of any person who may be absent, and who, through ignorance or forgetfulness, or any other cause, has omitted to send in his claim?—There is no provision whatever for independent action of that kind, or official action of that kind.

24. Mr. *Longfield.*] If the overseer objects, is he bound to give notice of his objection to the claimant?—No; the only notice the claimant would have is the publication of the list upon the church doors, with the word "objected." He has no other notice of the objection.

25. Mr. *Locke King.*] In practice, does the overseer commonly put the names of parties on the register who have not made claims?—In country districts, I think, it is the practice of the overseers to make some communication to parties whom they know, and their names thus get upon the list at the instigation of the overseers; but that is limited to country districts, and it is quite a gratuitous act on the part of the overseers.

26. Would that be in case of the overseers being a political partizan either way?—No question of it. He would not act, perhaps, for all parties. That is a point which, I think, in the course of this investigation, will come prominently before the Committee, namely, the part which overseers take in political matters in their several parishes.

27. *Chairman*]. Then I may take it that the state of the law is this—that in order to get upon the register a person must make a claim either by himself or by somebody on his behalf, and that once on the register he remains on, unless he is objected to and put to the proof either by the overseer or by some person on the list of electors volunteering to object?—Quite so; whatever errors may arise, no correction will take place in his description unless by some agency or by some objection.

28. I believe it has been held that a verbal claim is sufficient?—As I have already explained, if the overseers adopt it and choose to act upon it as a notice, the Revising Barrister has no power to inquire into the manner in which the name got upon the list.

29. Mr. *H. A. Bruce*]. Practically, as far as your experience extends, by what agency would you say that the greater part of the claims get upon the register?—By the agency of political associations or agents acting for certain interests.

30. In a far greater degree than by private act?—Yes. The electors themselves pay very little attention to the duties which are necessary to be performed by them in order to get their names placed upon the register, they have to be worked up and sought out by some agency; indeed, the limited notice given by the overseers of the time when claims should be sent in, is not sufficient for it to become well and publicly known to the electors entitled. The notice is placed upon the church doors between the 20th of June and the 20th of July, the 20th of July being the last day when notices are to be served, and in that limited time very few see it; so that those who do not pay particular attention to the church or chapel doors as they may enter, do not observe the notice, and neglect the duty they should observe at that particular time. They allow the day to go over, and lose the opportunity for twelve months; and then the following year the same omission may be made.

31. *Chairman*]. What, in your experience, are the principal evils attaching to the present system of registration?—There are a number of evils which arise in the practice of carrying out this Act, but I have jotted down what I would draw the attention of the Committee to as being some of the principal evils. The principal evils in the system in vogue for the registration of county electors in England and Wales, or arising from the operation of the Statute 6 Vict. c. 18, are, generally, that the law fails in the production of useful and accurate registers, and that the registers formed under it do not fairly represent the county constituencies; that the system leaves the work of registration and the correction of the register to the whole body of electors, and, as a consequence, it is entirely dependent upon the action of political associations or of party agents; that the requirements of the system engender much ill-feeling and party rancour in its operation: Specially. 1. The great facility with which unqualified persons may and do become registered. 2. The absence of any provision requiring *primâ facie* evidence of the right of a claimant, except under notice of objection before registration. 3. The want of provision for independent aid and guidance under which duly qualified electors may be properly

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and accurately registered. 4. The consequent inaccurate and insufficient description in the particulars required to be given of their qualifications by electors, their residences, and the situation of their properties. 5. The publication of the copy of the register in force by the overseers not being in time to afford electors the opportunity of ascertaining whether they are registered or not, or whether there are any defects in their registration. 6. The frequent inability of the overseers to make out the list of new claimants according to the provisions of the statute and the judgments of the Court of Common Pleas in the Registration Appeal Cases, and the general imperfect manner in which this business is performed. 7. The limited information afforded to residents of the district, from the form in which the lists are made out and published. 8. The great facilities afforded to political associations to levy objections against registered electors by reason of mis-descriptions in the register, or imperfection of particulars set forth. 9. The practical loss of the franchise to a very large proportion of the electors so objected to principally by reason of non-attendance at the revision court. 10. The repeated annoyance to which the *bonâ fide* elector may be and is subjected year after year by an objection to his right. 11. The inconvenience to which electors are put in attending the revision courts consequent on the requirement that the court shall be held at the place where the poll is required to be taken, and no general revision of polling places having been made since their first appointment in the year 1832. 12. The mode in which the Revising Barristers are appointed and paid. 13. The absence of any provision in the statute for the devotion of sufficient time by the Revising Barrister for the full and careful discharge of his duties, and for the appointment of proper times and places for holding his courts. 14. The great cost to which candidates are put at contested elections by reason of inaccuracies in the registers. 15. The ill arrangement of the lists and register for the purposes of an election affording facilities for personation, and putting candidates to great expense in the conveyance of electors to the poll. 16. The wasteful cost in duplicate printing, and the want of general uniformity in the proceedings throughout the country.

32. Taking your first objection, namely, the great facility with which unqualified persons may and do become registered, what remedy would you suggest for that?—I perhaps might point out to the Committee this fact, that a notice of claim having been sent in to the overseers for any parish by any one in respect of a qualification which may be either fictitious, or may not be a qualification required by the statute, would be at once entered upon the new claim list, and no objection being made, and no inquiry being instituted, the claimant would be entered as an elector on the register. Practically, I know that that has been acted upon to a very great extent; numbers of names are placed upon the register by persons taking an interest in political matters, when the individuals have not a qualification to entitle them to vote for counties.

33. Mr. *Hunt.*] Are you speaking of the country generally?—I am speaking of the country generally. The practice I find is the same in almost every county. Persons who take an interest in the matter put their friends' names upon the list, knowing by a little experience that it is only necessary to send in a notice of claim, and the person becomes registered, because no objection is taken where there is not active political investigation.

34. Mr. *Algernon Egerton.*] The overseer has power to object, has he not?—The overseer has power to object, but the overseers, in the first place, do not pay much attention to the matter; and, in the second place, generally the districts in which this is done are so wide and so extensive, and the particulars given in the notices of claim are of such a nature, that it is beyond the ability of the overseers to learn anything of the matter.

35. Mr. *Longfield.*] How do you propose to check that?—I propose to submit a series of suggestions tending to remedy these evils. I do not submit them as saying that every suggestion is original, or as taking any credit with regard to the suggestions, but as being suggestions made from time to time, which, I believe, will, as a whole, remedy the evils existing.

36. *Chairman.*] Of course I am aware that a great many of these evils will run into each other, and that the remedies to them will also be connected together; but with respect to this particular evil upon which we now are, namely, the great facility for unqualified claims, I understood you, in answer to a question from the Honourable Member for Lancashire, to say that it arose in a great measure from the nature of the franchise, and from the fact that the overseer has no means of knowing whether a man is entitled or not?—That is so.

37. The law of the case being what it is, and the nature of the franchise being what it is, what remedy do you propose for this particular evil, namely, the facility for fictitious claims?—I propose that the right of each person named in the list of claims shall be investigated by the Revising Barrister in the presence of the overseer; that because a man's name is inserted in the list, that shall not itself be a title to admit him to the register.

38. Mr. *Hunt.*] Do you mean without calling upon the claimant to appear?—Without necessarily calling upon the claimant to appear; but that he shall give some *primâ facie* evidence of his right to the Revising Barrister before his name is inserted.

39. Viscount *Enfield.*] Do you propose that every new claimant shall give some *primâ facie* evidence of his right to be placed upon the register?—I propose that every new claim shall be supported by *primâ facie* evidence of the right claimed.

40. Transmitted to the Revising Barrister or to the overseer?—Transmitted either to the overseer or to the party appearing to support the claim. I would suggest that all persons entitled, but not registered, should be required to send in notices of claim to the "registrar of voters," delivered at the office of the registrar, served by post, or delivered to the overseers, and forwarded by them on or before the 1st day of August. The particulars would be required to be fully set forth with clearness and accuracy, and it would be the duty of the registrar of voters, in case of omission of necessary particulars, to require amended notice, and to send a form to the claimant; but the claimant's name, nevertheless, would be inserted in the list.

41. Whom do you mean by the "registrar of voters"?—I may state that I have a number of suggestions

suggestions to make, and beg to hand to the Committee a statement thereof, as an Appendix to my evidence.

42. Mr. *Hunt.*] You have a number of suggestions mainly upon the machinery of registration—they are all suggestions that fall into this scheme?—Yes.

43. *Chairman.*] The remedy for fictitious claims which you suggest is, that every new claimant should be called upon to give *primâ facie* evidence of his title?—Yes.

44. You would not put him to the absolute proof of his title?—Not unless objected to; and, then, if the objection failed, the claimant should have costs.

45. What should you treat as *primâ facie* evidence; would you require a statutory declaration from him of his title or not?—Upon sending the notice of claim, the claimant might leave with the registrar or the Clerk of the Peace, a declaration under the statute of Will. 4, of the particulars in his claim, and of the truth of the claim made, if that were objected to and the objection failed, he should have the full amount of costs, and that those costs should be much heavier than are at present awarded. I also propose that a claimant may submit to the Revising Barrister a written statement, supported by the testimony of the overseer, or by the evidence which may be obtained from the rate-book, or any other document which would establish a *primâ facie* claim before the Revising Barrister. I then propose to allow any registered elector to call evidence to rebut the claim, not to oppose the admission of a claimant whose right is made out *primâ facie* to the mind of the Revising Barrister, except by calling evidence to relent it. This is very similar to the present system in Scotland.

46. Then you would require from every claimant, as a matter of necessity (it would not be permissive), *primâ facie* evidence of his claim before he should come on to the register?—That *primâ facie* evidence should be given to the Revising Barrister of the right of each claimant.

47. You would require that?—I would require it.

48. Mr. *Longfield.*] Would you punish the objector with costs; and would you punish the claimant with costs, in case of failure?—I would punish the objector with costs.

49. And would you punish the claimant with costs?—I think not, if the claim is made *bonâ fide*, and in ignorance. Many claims are made *bonâ fide* by the parties, but in ignorance of the requirements.

50. *Chairman.*] Would you subject to costs the objector to a claimant if he failed in his objection?—To those claimants who had made a statutory declaration of their right, I would give the full amount of costs; but where a notice of objection was served upon a claimant which would require his personal attendance, he not having made a statutory declaration, I would give him a less amount of costs.

51. Mr. *Wynn.*] Are you aware that in a great many counties at present there is an agreement between the two parties that every claimant is required, in the first instance, to prove his right to vote, and that no costs are asked for?—Yes; that is the practice in the county of Middlesex. It is understood that we serve a notice of objection to all new claims on the one side or the other. Our object is, first of all, to ascertain the politics of the parties who appear upon the new claim lists, and, secondly, whether they are entitled.

52. *Chairman.*] Your third evil is the want of provision for independent aid and guidance under which duly qualified electors may be properly and accurately registered. Would not the remedy which you have suggested against fictitious claims rather tend to put an impediment in the way of good claims?—I think not, from the general manner in which the Act is carried out in the several counties where there is any political action. I think that it is the more general rule to object to all new claims. It is done for two reasons; one, to investigate the claim, and the other, that an advantage shall not be gained by the one side over the other in the revision of the new claim list.

53. Then you consider that if the new claimant were required to give *primâ facie* proof of his right, he would not be exposed to more trouble and inconvenience in establishing his claim than he is now?—Not if he were required to give such *primâ facie* evidence as I point out; that is to say, the evidence of the rate-book or the evidence of the overseers, or a written statement verified before the Revising Barrister of his right.

54. Do you not now find that there is a difficulty in hunting up persons who are entitled to vote, and inducing them to claim?—There is perhaps a greater difficulty in ascertaining the politics of those who are entitled, than in ascertaining the persons who are entitled, knowing that they are entitled, the claim can be made for them.

55. Do you not find a reluctance on the part of many persons who are entitled to take the little trouble which is even now necessary to make a claim?—No doubt of it; generally there is a great reluctance on the part of electors to take any trouble whatever themselves.

56. Would not that reluctance be increased, if, in addition to making a simple claim, you required a man to give evidence in support of that claim?—The evidence I submit is such that it might be supplied independently of the elector as at present, that is to say, the evidence of the rate-book, the evidence of the overseer, or the evidence of other parties who may be interested. If the claim appear to the Revising Barrister to be really *bonâ fide*, and if it appear that there is evidence *primâ facie* of the right, then he would at once admit it; then I suggest that when once the name is inserted on the register it should not be objected to unless some ground for non-registration comes to the knowledge of the objector.

57. Then, if I understand you, you would hold out as an encouragement to persons to become registered, that although they would have the trouble, in the first instance, of establishing their claim by evidence in support of it, they would afterwards be less liable to be objected to than they are at the present moment?—No question of it, if you take the whole of the proposals.

58. Would that system, in your opinion, act as an encouragement to persons to register?—Yes; we do not find a difficulty the first time; it is more particularly with persons who have been harrassed by objections, and who have had to attend two or three times at great inconvenience. Because of some little error in their notice of claim, their names have been struck out the first time, and they do not like to go to the trouble of meeting the notice of objection and the course of proof required of them a

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second and a third time. But what I suggest is that when once a man has given evidence of his right, and when once the Revising Barrister is satisfied of the correctness of the title of the person to be registered, then the accuracy of his registration shall be attended to by independent means, and he shall not be called upon by an objector to prove his right again, excepting at the risk of the infliction of heavy costs; that when once registered he shall be for ever after protected upon the register so long as he has the right.

59. And you think that the effect of that system would be to encourage claims and not to discourage them?—I am confident that it would be to encourage them, because the action of political societies would then be to add names to the register, and they would have no power to attack them on account of inaccuracy of description.

60. As far as regards the class of voters who are now called upon to prove their claims, are not claimants who have been omitted from the lists required to prove their right?—Yes. Under the section of the Act which enables the Revising Barrister to insert the name of a claimant omitted from the list, he has to call for proof of qualification by the claimant, although the claimant proves that he gave due notice, and that there has been merely a lapse of duty on the part of the overseer in not inserting the name; he has to establish his right before the Barrister can insert his name, and that, independently of any objection by third parties; the clause goes on further to enact that any registered elector may give a written notice to the Revising Barrister that he objects to the admission of the person's name, therefore in cases of claims omitted by the overseers, proof is required not only of due notice having been given, but also of the qualification in respect of which the claimant seeks to be registered.

61. What provision do you suggest for independent aid and guidance under which only qualified electors may be properly and accurately registered?—What I suggest is, that the business of registration should be transacted by the Clerk of the Peace; and, that in those counties in which the business would be heavy, and he would be called upon perhaps for the devotion of more time than he could spare, one of the clerks holding an office in the office of the Clerk of the Peace, should be officially appointed to transact the business which would come before him. First, he would receive all the notices of claim from the overseers or from the parties direct themselves. He would make out the new claim list; he would see that no necessary particulars were omitted which would cause the loss of the franchise when the claim was revised; and, if there were any essential ommissions in the notice of claim, he would call upon the claimant to furnish him with better particulars of it. Still the name would appear in the new claim list as he received it.

62. You would propose that the Clerk of the Peace should superintend the correctness of the register?—That he should wholly superintend the correction of the register through the operation of the overseers.

63. And that, instead of its being left to each individual elector to look to the correctness of his own entry in the register, it should be done for him through the instrumentality of the overseers and of the Clerk of the Peace?—Yes.

64. So that, when a gentleman had once made his claim, the correctness of his description and entry on the register would be attended to for him by other persons?—Quite so.

65. Those other persons would, if necessary, communicate with him and draw his attention to any apparent error in his entry on the register?—Quite so; and they would call upon him to make any necessary corrections they might have returned to them by the overseers.

66. That proposal of yours would also meet the fourth evil, namely, the consequent inaccurate and insufficient description in the particulars required to be given of their qualifications by electors, their residences, and the situation of their properties?—Yes; at present they are given so loosely that when the cases come before the revision court, and are fairly fought out on the one side and on the other, and the claimants are called upon to give their descriptions according to the strict requirements of the statute, we find that certain errors have been made quite sufficient to protect the objector from costs. For instance, the number of the house has been omitted, when, according to a decision of the Court of Common Pleas, the number is required and must necessarily be given. The name of the tenant has been omitted, or the name of the owner of the property in the cases of rentcharge, or land-tax, or charges in lieu of tithes, and various matters of that kind. The claimant was not aware of the necessity to insert these little particulars, and the omission of them has caused the notice of objection. The objector states no ground of objection; he merely calls upon the claimant to come before the Court and prove his right to be registered. When he is before the Court he is expected to give evidence, *de novo*, of his right to the franchise. The objector is asked his ground of objection; he states that it is incorrect description; that the number of the house ought to be given; that the tenant is not correctly given; that the address is too vague; that it is merely "Brighton," and does not state what position in Brighton, though it may be the address of a gentleman well known at "Brighton;" and the objector says that it is not a sufficiently accurate address.

67. Then, as I understand it, you would leave nothing for private objectors to object to, except personal disqualification or disqualification with reference to a qualifying property?—The want of the right; the objection should go directly to the right of an elector to be registered in respect of the qualification for which he was originally admitted to the list. It would do away with the great bulk of the objections which are taken on the ground of mis-description in the entries in the list.

68. And the objector should object at his peril; he should be liable to costs?—He should be liable to much heavier costs than at present.

69. Is not the objector now liable to 20*s.* costs in each case?—He is; that is to say, if in the opinion of the Revising Barrister the objection be groundless, frivolous, and vexatious.

70. But, in consequence of the many grounds of objection which may now be taken by an objector, without specifying which he means to go upon, the Revising Barrister is seldom willing or able to give costs?—He is seldom able to give costs because the objection may be frivolous, but still not groundless and vexatious. If not groundless, it must be frivolous and vexatious.

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71. Is the word "groundless" in the Act?—Yes. It is in the 46th section; the words are "groundless, or frivolous and vexatious." That is interpreted to mean a groundless objection, or a frivolous and vexatious objection. In almost every case where a claimant has made a claim, the objector can show in the course of the evidence that there is a ground upon which he might have taken the objection, although the ground which finally decides the case is not the ground upon which the objection was originally based.

72. Your fifth objection is the publication of the copy of the register in force by the overseers not being in time to afford the electors the opportunity of ascertaining whether they are registered or not, or whether there are any defects in their registration. How do you propose to meet that objection?—What I propose is that at the time when the public notice is given to the electors to send in their claims, a copy of the register for the time being, together with the marginal notes of the overseer's objections, and notifications of corrections which are necessary, shall be published; that the notice to the public to send in their claims, or to make the corrections in the register, shall be co-temporaneous with the publication of the register in force.

73. That is to say, you would have the register in force with the annotations of the objectors upon it published on the 20th of June, together with the notices of claim?—Yes, with all the information which may have been placed upon the list.

74. That would be a month earlier than the copy of the register in force is now published?—Yes, and in time to send in the notices of claims. The evil is this: at the present time there is no notice given to the elector of the errors of description, or of his non-registration.

75. Would you require the overseer who objects to a person on the register to give that party other notice of his objection than is afforded by the publication of the register, with the word "objected" upon the church doors?—I would require the Clerk of the Peace to send to every person against the name of whom the overseer had added the word "objected," a circular informing him of the fact.

76. The sixth evil which you mention is the frequent inability of the overseers to make out the list of new claimants according to the provisions of the statute, and the judgments of the Court of Common Pleas in the registration appeal cases, and the general imperfect manner in which this business is performed; how do you propose to meet that evil?—The new claim list would be made out by the Clerk of the Peace, or by the clerk who from year to year would have charge of the business; he would of course become perfectly well acquainted in the course of one year's practice with what is necessary to be set forth in the list, what particulars are absolutely necessary to make up a perfect qualification, and therefore he would see that all the particulars are accurately and properly set forth in the new claim list, all notices of new claims having been sent to and received by him.

77. Then your proposal is to supplement the inefficiency of the overseers by the machinery of the Clerk of the Peace?—Quite so.

78. Your seventh evil is the limited information afforded to residents of the district from the form in which the lists are made out and published. In what way would you propose to meet that evil?—At the present time the list is made out for the parish only, and gives information only of the registrations in respect of property situate within the parish. According to the proposition I make there would be an addenda list attached to each registration list of the parish of all voters resident within that parish or district qualifying for property within any other part of the county, so that the overseers of the district in which the voters resided would have complete information of the registrations of all residents within their parish qualifying for the county.

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79. In short, if I understand it, the register list for each parish should consist of a list, not only of the persons possessing and qualified for property within that parish, but also a list of the persons residing within that parish, and qualified for property in other parts of the county?—Quite so. Further than that, the arrangement of the several lists of a polling district would be in topographical order, and not in alphabetical order, as at present; this would require the lists to be published in parts of polling districts. At present there is limited information given; if you go to the parish church-door of a country district, you see only there the list for that particular parish; but there would be no greater expense and no greater trouble in the arrangement of the list, if the whole of the list for the immediately surrounding district were placed upon the door.

80. The parish list now only contains the names of the persons who qualify for property within that parish. A person residing in parish A., and qualifying for property in parish B., is now objected to in parish B., and he has no notice of it because he resides in parish A.?—Quite so.

81. Under your system, inasmuch as his name would be published in both parishes, by his name appearing on the church-door in both, he would have notice in the parish where he resided, that he was objected to in the parish where his property was situate; is that the object?—Quite so.

82. And, as I understand it, the Clerk of the Peace would be the person who, having seen the objections made by the overseers of both parish A. and parish B., could give information to the overseer of each parish of the objection made by the overseer of the other?—It would be the duty of the Clerk of the Peace actually to do that. There would be no other work required of overseers than that of furnishing information to the Clerk of the Peace, and publishing the lists; the lists would all be prepared by the registrar or his clerk.

83. By "the registrar," you mean the Clerk of the Peace?—Yes. If he received from parish A. information that an elector did not reside there, or that he was personally disqualified for some reason, he would mark the word "objected" not only against the name in that list, but also in the parish B. list, where the qualification was situate, so that the voter would have information in either district—the district in which he resided, and the district in which his property was situate. His tenant would have information also.

84. Supposing that the voter did not reside in a parish in that county at all, but supposing that he were an out-voter, what notice would he then have?—He would then have a notice from the Clerk of the Peace that he had been objected to by the overseers.

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85. You would propose that the Clerk of the Peace should write to that person, informing him that he was objected to?—Yes; I propose that the Clerk of the Peace should send to him a notice that he was objected to, and what was required of him. That if it were merely a misdescription, requiring to be amended, the voter should return the form to be enclosed in the circular corrected, so that the correction might be at once made, and the objection withdrawn.

86. Does not a very considerable class of county electors consist of owners of freehold property, who are non-resident, and who are consequently unknown to any local authority?—The out-voters for counties are very numerous; I think that there are altogether some 80,000 out-voters for counties in England and Wales. In the county of Middlesex, out of a register of 14,500, we have about 3,000 out-voters, that is to say, electors resident beyond the limits of the county. When speaking of 80,000 out-voters for the whole of England and Wales, I include those who reside over the borders of the divisions of counties; because in counties which are divided, a great number of electors are resident in the adjoining division qualifying for property within the division for which they vote.

87. In the case of these non-resident proprietors, what local authority would know anything about them?—what local authority should you look to to obtain information as to these parties?—What I propose is that there should be sent by the Clerk of the Peace to all these out-voters, once every three years, an extract from the register, requiring its examination and correction.

88. Who is to know about these persons in the first instance—the overseer of the parish in which their property lies?—The Clerk of the Peace, from the description of their residences, would know that they were out-voters, and he would be required to send to them an extract from the register, asking for a return of the particulars.

89. These out-voters are particularly liable to have their votes objected to, are they not?—In former years in Middlesex it was the practice to object to out-voters in preference to others, when the system prevailed of objecting to classes of electors who were not so likely to attend the revision court, or with respect to whom there was a difficulty in obtaining proof, excepting upon the attendance of the voters; but they are perhaps, more frequently objected to in consequence of the inability of persons making enquiries, to ascertain any particulars in the parishes for which they are registered, and the overseers knowing nothing with respect to their residences or properties. The electors themselves never see the lists, consequently they do not correct the inaccuracies of description, and the first notice they have of their inaccurate descriptions is the receipt of the notices of objection.

90. Then this class of voters would be protected against frivolous objections under your system, by the fact that the Clerk of the Peace would communicate with them as to all errors apparent on the face of the list, and that no elector could object to them, except on the ground that they had parted with their qualification or were personally disqualified?—Quite so. The returns I have here were sent to the out-voters for the county of Middlesex, asking them to correct any errors of description appearing therein, and to return the forms; this is a form on which is pasted an extract from the register, and at the foot is the correction the claimant has made. I would propose that such a form should be sent to all out-voters.

91. What *primâ facie* evidence would you require from a claimant who was an out-voter; would you require any different evidence of his right from that of a resident voter?—No; the statutory declaration would enable him to furnish the Clerk of the Peace with the necessary proof.

92. How is the Clerk of the Peace to have any information regarding these out-voters in the first instance?—In the parish lists the names are arranged in alphabetical order, and the particulars are given; first, the surname and Christian name, and, secondly, the place of abode. In opening the register before me I see at once that there are several electors in this list residing out of the limits of the county; for instance, there is one residing at West-street, Hertford; the next gentleman resides at Crimscot-street, Bermondsey, Surrey. So that, by merely looking at the addresses in the list, the Clerk of the Peace at once sees the whole of the out-voters; but it proposed that all out-voters shall be included in a list at the end of each polling district.

93. Your next evil is the great facilities afforded to political associations to levy objections against registered electors by reason of misdescription in the register, or imperfection of particulars set forth. I think that you have already described the remedy for that evil?—I have already explained that errors of description should not be sufficient to found a notice of objection upon and to call on the elector to prove his right.

94. Your ninth evil is the practical loss of the franchise to a very large proportion of the electors so objected to, principally by reason of non-attendance at the revision court. That again would be met in the manner which you have described?—That would be met. Of course no such objections could be taken; they must go direct to the right, and if a man proved his right before the Court he would be paid his expenses.

95. Your tenth evil is repeated annoyance to which the *bonâ fide* elector may be, and is, subjected year after year by an objection to his rights; how would you remedy that evil?—There are no means, of course, of preventing a man repeating his notice of objection to a *bonâ fide* voter; but if he persists in doing so you may mulct him in heavy cost, and I provide that the costs should be much larger than they are now, that they should substantially deter a man from repeating an objection every year.

96. Your eleventh evil is the inconvenience to which electors are put in attending the revision courts, consequent on the requirement that the court shall be held at the place where the poll is required to be taken, and no general revision of polling places having been made since their first appointment in the year 1832. How do you propose to remedy that inconvenience?—I suggest that the polling places as they were arranged in 1832 should be re-arranged, and that more convenient places should be appointed; there are some facilities given now.

97. Is it not the case now that a voter, in order to defend his vote, or to establish his claim, is obliged to attend the court held in the district in which his qualifying property is situated?—It is so.

98. Would you allow him to attend the court of the district in which his residence was, instead of

of that where his qualifying property was situated?—There is no reason why he should not do so, and the proposition to form the lists in the way I have suggested would enable that to be carried out; it might be carried out with great facility.

99. Because you propose that the parish list should go not only to voters whose qualifying property is within the parish, but also to voters who reside in that parish and qualify elsewhere?—Quite so. The inconvenience an elector experiences in attending the court is considerably greater than the inconvenience in attending to record his vote. In the latter case he has merely to go from his residence to the polling booth and there record his vote, leave the booth and return home; but an elector who has to prove his qualification has first, perhaps, to obtain evidence, to procure his deeds, and so forth, and then to attend for a whole day at a very inconvenient place, frequently at a little public-house in a country district, and to wait from early morning until late in the afternoon; then, perhaps, his case is not heard, and he is obliged to attend a second time or to give it up.

100. Your twelfth evil is the mode in which the Revising Barristers are appointed and paid. What alteration do you propose there?—A great improvement might be made in the appointment of Revising Barristers by selecting gentlemen of higher standing and of greater experience at the Bar, and by reducing the number of the Revising Barristers and paying a larger sum to each; men of greater experience would then be likely to take the matter up. It frequently happens that when the Revising Barrister has got into the work and knows it thoroughly, he is removed from the revision, and another Revising Barrister takes his place.

101. Do you propose that the Revising Barristers should be men of older standing at the Bar than they generally now are?—Yes.

102. Do you think that their decisions would command more authority, and that their courts would carry more weight?—Yes; as they would have to decide, as I have suggested, upon the *primâ facie* character of the new claimant's rights, it would require that they should be men of judgment and experience, and in dealing with parties who were opposing the admission of the claims or supporting objections, to exercise caution in using the extended power to award costs.

103. Your thirteenth evil is the absence of any provision in the statute for the devotion of sufficient time by the Revising Barrister for the full and careful discharge of his duties, and for the appointment of proper times and places for holding his courts?—There is no provision which will control the Revising Barrister as to the time he shall devote to the business. Frequently the time given is not sufficient for that due and careful investigation which the cases really require.

104. Between what dates are the Revising Barrister's Courts held?—The Revising Barrister's Courts are required to be held between the 15th of September and the last day of October in each year. That six weeks is quite sufficient time, but frequently the time allowed by the Revising Barrister to revise the lists of the whole county in which there may be many hundreds of objections, is seven or eight days, and then a number of parties are brought together at one court, it is found impossible to carry out the business, the objections have to be dealt with by withdrawals, or the cases cannot be satisfactorily investigated, and very frequently much disturbance arises in consequence; whereas, if proper provisions were made, so that more time should be given by the Revising Barrister, these evils would be obviated.

105. Then the evil arises from the fault of the Revising Barrister in not allowing sufficient time?—Frequently so, and no provision being made by the statute by which he shall be bound to give sufficient time, or any arrangement as to the number of objections to be taken.

106. As to the places of holding his court, is he not bound to hold his court in every polling district?—Yes; but sometimes they are held at very inconvenient places. In the county of Middlesex we frequently had the courts held at the public houses when there were far better places, such as the vestry halls, and public buildings; where such is the arrangement, the voters have to wait about all day at the public-house; they get drinking, and a disturbance frequently ensues.

107. Your next evil is the great cost to which candidates are put at contested elections, by reason of inaccuracies in the registers. That, I apprehend, would be met by the system of correcting the register which you have described?—Yes, there is no doubt about the cost which is entailed.

108. The next evil which you state is the ill-arrangement of the lists and register for the purposes of an election, affording facilities for personation, and putting cadidates to great expense in the conveyance of electors to the poll; how do you propose to prevent that evil?—The manner in which I propose that the lists should be made out, would enable every elector to poll at the place for the polling district in which he resided. The parish list would be a complete list of all persons resident within that parish qualifying for the county, no matter where their property was situate. At present they have to be conveyed to the place of polling for the district in which their property is situate.

109. At present, a voter may claim to poll in the district in which he resides; or, indeed in any district which is most convenient to himself, may he not?—Yes.

110. Now he has to do it by a claim?—Now he has to do it by a claim before the Revising Barrister.

111. As you propose that the parish list should contain the names of the voters residing there, and qualified elsewhere, every man would vote according to that list in the district of his residence, without the necessity of claiming that right?—Quite so. If I might trouble the Committee for a moment I could illustrate this evil very easily. We have paid great attention in the county of Middlesex to the alteration of the polling places. On both sides we admit that it is a great evil that the electors have to go to the place where their property is situated to poll. There are very many reasons why it is advantageous that the polling place should be in the district where the elector resides; sometimes an elector abstains from voting until very late in the day, and then it is found to be too late for him to get to the place where only his vote can be taken. In the county of Middlesex we have some 2,500 out of the 14,000 electors whose polling places have been altered under the 36th section of the Act. The first list which I now produce

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contains the names of all electors upon the Middlesex Register claiming for property in any part of the county, but resident within the Inner and the Middle Temple, or have so described their places of abode. These lists are arranged merely as district lists, for the purposes of an election. Against each name is placed a colour, which colour indicates the polling-place. The Committee will at once see that, although the electors are resident at one spot, or within a circumscribed district, they have to poll at various parts of the county. One goes to Brentford, another to Bedfont, another to Mile End, and so forth. In other counties there would be a far greater variance than in this.

112. You intend to illustrate the manner in which voters residing within a certain limited space are scattered over different places to poll?—Yes.

113. And you would propose so to arrange the list that every man, as a matter of course, should poll in the district where he resided?—Yes; the whole of these votes would, then, necessarily be taken at the Guildhall in the City of London, and would not be taken in all parts of the county.

114. The addition to the parish lists which you have described meets the case of voters residing in different parts of the county; how do you propose to deal with out-voters. Would you leave to out-voters the privilege which they now possess of claiming in what district they shall poll?—I propose that the Clerk of the Peace should allot all the out-voters to poll at such districts as, in his judgment, according to the mode of conveyance or other circumstances of the county would be most convenient for them to vote at; but I would give to each elector the privilege of claiming to vote at any other place upon mere notice, that is to say, inverting the present order of proceeding. At present the claimant makes a claim to poll at the place most convenient to him. The Clerk of the Peace would do that, but if the voter objected to it he would have it altered.

115. And your arrangement by which every elector would, as a matter of course, poll in the district where he resided would lead to economy in the conveyance of voters on the day of election?—Yes; and in many other matters. This list is the list for Southwark. The whole of these electors reside within the Borough of Southwark, indeed, between the Blackfriars-road and London Bridge. They will have to be conveyed if an election takes place to every part of the county, whereas the whole of their votes might be taken with greater convenience at the Guildhall of the City of London, or at Westminster.

116. And the registration of voters according to the place of their residence would also, I presume, afford facilities for a multiplication of polling places?—Greatly so; because at present there would be no advantage whatever by multiplying the polling places unless the lists were re-arranged for that purpose; but by the proposed mode every parish list is perfect in itself whether it contains 20 names, or 100 names, or 200 names, so that the polling places may be subdivided to any extent.

117. As the registers are arranged at present, I believe that when an election takes place the first thing which the agent has to do is to cut up the copies of the register and arrange them?—Yes; we are compelled to do this year after year, because, if an election took place suddenly, we could not otherwise have the lists so nicely arranged and so prepared that the work would be efficiently performed.

118. Under the present law, are not the names in the parish list required to be alphabetically arranged?—Yes, in the parishes.

119. Is that rule in practice strictly adhered to?—It is strictly adhered to perhaps by the Clerk of the Peace in arranging the names in the register, but it is not adhered to by the overseers in making out their parish lists.

120. In your experience of the registers of counties as published by the Clerks of the Peace, are the names correctly arranged in alphabetical order?—Not universally so. I have found several registers in which the names are not alphabetically arranged.

121. Is any body liable to a penalty for not having arranged them in alphabetical order?—No. The Act only imposes a penalty upon Clerks of the Peace for any wilful misfeasance, or any neglect of that sort.

122. Have you experience of other county registers besides the register for Middlesex?—I have had experience of registers of other counties than Middlesex, and have seen a number of county registers.

123. Is it not the case that throughout the parishes the names in the county register are very often arranged most imperfectly, as regards alphabetical order?—I have not seen any register where throughout it has been so, although I have no doubt that such a case may have arisen; I have found it so in large borough lists, that the whole of the list throughout has been arranged without any order as to the alphabet, and where an alphabetical arrangement has been observed, it has only gone to the first letter of the names, and has not been a stricly alphabetical arrangement of the names.

124. The Clerk of the Peace is bound to have the register ready for publication, or to publish it on a certain day in the year, is he not?—Yes. In counties the list comes into operation on the 1st of December.

125. And is not the Clerk of the Peace bound to publish it on that day under the Act?—The Clerk of the Peace is bound to publish it on that day.

126. Is he liable to a penalty if he omits to do so?—There is no special provision in the Act for imposing a penalty upon him.

127. Is your experience that the register is ready on that day?—Yes, in Middlesex nearly so, but that, perhaps, is owing to proceedings having been once taken against the Clerk of the Peace for omission to do so, since which the register has always been ready for delivery to the public on or near the 1st of December; in fact, we have portions of the register earlier than that, for we make an arrangement with the Clerk of the Peace to permit us to have the lists as they are being printed.

128. Your last objection is the wasteful cost in duplicate printing, and the want of general uniformity in the proceedings throughout the country. How does the wasteful cost in duplicate printing arise, and how do you propose to remedy it?—The wasteful cost in printing arises in consequence of the register lists, as they are forwarded by the Clerk of the Peace to the overseers, being republished by them. I could illustrate this: a copy of the register for the parish of Bromley, in the county of Middlesex is forwarded by the Clerk

Clerk of the Peace to the overseer, on the 10th of June, to be published by him on the 1st of August; immediately he receives that copy of the register he puts it into type, and it then appears in this form *(producing a paper)*, being re-printed, the only addition being the word "objected" to a few of the names; there are here twelve names objected to by the overseers, and that is the whole addition to the matter, or correction of the matter, or alteration in the matter in any respect as it appears in the register, or copy of the register, received from the Clerk of the Peace. What I propose is, that as these lists are to be made out by the Clerk of the Peace, the words "objected," "dead," "removed," and so forth, shall be transferred by the Clerk of the Peace to copies of the register he has in his office, or for which he has made provision. If it be necessary to provide 200 copies for the purposes of an election, in the event of an election occurring, he can provide 400 copies from the same type for the purposes of registration; the first year's practice would give him the whole information necessary as to the number of copies of the register which would be required, so that there would be only one entire print of the register, and the objections would be stamped in the margin. There is a provision in the Irish Act, that the clerk to the sheriff, I think, or the Clerk of the Peace, shall stamp the word "objected" in the margin of the register that he has in his office, and that that register shall be open to inspection.

129. Supposing that the present system of registration were continued without the intervention of the Clerk of the Peace as the corrector general, could any economy be effected in printing by making the Clerk of the Peace supply to each parish a sufficient number of the list required, instead of sending only one list, and then each parish overseer printing what he required?—Undoubtedly; such a provision might be introduced at present to save the duplicate printing by a direction that the Clerk of the Peace should furnish the overseers with as many copies as they required for each of their parishes. Indeed, in the county of Middlesex that has been practically carried out, for the Revising Barristers have fined overseers for the manner in which the lists have been formed, and have requested them to have them printed in another form. They have therefore very frequently obtained the copies of the register they require from the Clerk of the Peace; I think that it would be an improvement if the Clerk of the Peace were required to furnish the requisite number of copies.

130. That is under your system of annotation by the Clerk of the Peace?—No; I understood the question to be whether, under the present system of registration, these lists might not be sent by the Clerk of the Peace to the several overseers instead of their printing them. I think that it might be so, but that it should be provided that they should come direct from the Clerk of the Peace's office.

131. Would there be any danger if they passed through the hands of third persons; they would be supplied by the Clerk of the Peace from the printed copies which he had?—Yes; the printed copies should come from the office of the Clerk of the Peace.

132. As to the want of general uniformity in the proceedings throughout the country, in what way does that arise?—The general practice of the courts, and the manner in which lists are formed is not the same in the several counties; with the lists there is the same form as to lines, but not as to the manner in which they are printed. It would be a great advantage that all the lists should be printed after one general form. Previously to an Order in Council with regard to the printing of the county registers they were printed in every conceivable form; some were quarto, some were octavo, some were in one form and some in another; some were immense sheets in almost elephant form. An Order in Council was issued that the registers should be printed in royal quarto, and generally, I think that that has been acted upon. There should be some such arrangement for the printing of these lists throughout a county, in some general form, and throughout the country generally; and so with respect to all notices and forms issued.

133. Does any serious inconvenience arise from these minor variations in different counties?—I do not know that any serious public inconvenience arises from it as to the lists: the variance in practice has been a great inconvenience to agents having to deal with several counties.

134. Mr. *Hunt.*] Will you tell us where you have had personal experience in registration besides in Middlesex?—I may state that I was engaged during the operations of the Anti-Corn Law League. Of course at that time I was not of an age to take an active part in the Revision Courts, appearing as an advocate; but I had much of the management of the registration in the Home Counties, in Middlesex, in Hertfordshire, in Sussex, in Kent, and in Hampshire.

135. It is in the counties immediately around London that your experience has been gathered?—It is in the counties immediately around London that my experience has been gathered, but from what I know of the work in other counties, and from what I have read of evidence given in this House, I have a knowledge of the practice in other counties.

136. But you have not personal experience in counties a long way from London?—No.

137. You have told us that, under the present system, many persons who have a *bonâ fide* qualification to be on the county register are left out of that register?—Unquestionably, great numbers.

138. Is it your experience that the persons who are omitted from the register are persons who, if they were put upon the register, would decline to vote?—No, I think not; I think that if they were upon the register they would vote; but there is a great deal of trouble in getting them to give evidence sufficient to fight a notice of objection under the present system.

139. Have you not found that, if you have had great difficulty in persuading a voter to make a claim to a vote, you afterwards have great difficulty in making him give the vote?—I cannot trace in my mind the connection between the two circumstances; that is to say, having had great trouble with any individual elector to get him upon the register, and then having found an equal trouble in getting him up to the poll. I think that a great number of persons who are now not upon the register, would exercise the franchise, but the matter is never brought before them.

140. Do you not think that it is not so much the

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the fault of the system when voters are left out of the register, but that it is because they have an unwillingness to be placed in a position in which they may be canvassed for their votes?—I think that that applies to a certain number, but not to the whole, but that a great number would exercise the franchise, and are quite willing to be placed upon the register, who are not there now; they omit the duties necessary to secure their registration.

141. You have said that, under the present system, fictitious claims are made in numerous instances within your knowledge?—Yes; not in the county of Middlesex of late years, in consequence of the system which has been strictly adhered to on both sides, of objecting to the whole of the new claims, and requiring something like *primâ facie* evidence of the right of each claimant.

142. Your practice in Middlesex is to object to all new claims?—Yes.

143. And that prevents fictitious claims being made?—Yes.

144. But does not that practice act as a great hardship upon *bonâ fide* claimants?—I do not know that it is so much a hardship that a man should be called upon to prove his right, but the statutory mode in which it is required to be done produces a great deal of annoyance and ill feeling.

145. At all events there might be great complaint on the part of *bonâ fide* claimants of the annoyance to which they are subjected?—No doubt, because the principle is applied to all claims, no matter whether they are in respect of substantial properties, or whether they are in respect of small rights.

146. Do you find that fictitious claims are made in respect of all qualifications, or only made in respect of particular qualifications?—I allude to a really fictitious claimant—that is to say, a man claiming in respect of property in which he has no interest or right whatever, or in respect of fictitious property, as for instance, sending a notice of claim to the overseer of St. George's-in-the-East: "I hereby give you notice that I claim to be registered in respect of my freehold house, No. 4, Fountain-court, St. George's," when, in fact, no Fountain-court exists, of which the overseers do not take cognizance. I think that that class of fictitious claims is confined to freeholds; but there are a great number of persons who claim in respect of property in which they have not a sufficient interest to constitute a county franchise.

147. Do you ever find that there is a fictitious claim for a 50*l.* qualification?—Innumerable instances; we have a great number of these 50*l.* qualifications in the county of Middlesex, in the outlying districts of a borough.

148. Are fictitious claims put in for 50*l.* occupations where the rent does not amount to 50*l.*, or are they put in when persons have not been sufficiently long in the occupation to give them a vote?—For both reasons, but more particularly the first, namely, that the rent for which they are *bonâ fide* liable does not amount to 50*l.*

149. Would not that be a matter in the cognizance of the overseer?—Not at all; the overseer has no knowledge whatever of the rent a man pays; he has only knowledge of value, and that is a most important point with reference to the registration of the 50*l.* Chandos qualifications, the overseer has only a knowledge of the rateable value of the property.

150. We have heard by the Chairman's examination what the different classes of county franchise are. I wish to know whether there is any particular class of county franchise which is what I may call a favourite amongst fictitious claimants. Within your experience do they make fictitious claims more numerously for one particular qualification than for another?—The term "fictitious" includes those who claim in respect of purely imaginary qualifications.

151. Property which does not exist, or property of insufficient value, or property in which they have not a sufficient interest?—I think that claims are set up in respect of plots of freehold land under building societies, or for life estates, and so forth.

152. Are those the chief subjects of contest in the registration courts?—They are very frequently the subjects of contest in registration societies, the questions as to these plots of lands coming before the court.

153. I understand you to mean that claims are called fictitious when they are made by persons for land which does not confer a vote, or when they have not a proper interest to confer a vote?—I should hardly apply the term fictitious when a man claimed in respect of property which he possessed and which did exist, but in which he had not that interest which constituted a county franchise. I should rather say that those were insufficient claims; but the fictitious claims are those made in respect of properties which do not exist.

154. Those are very infrequent claims where the property does not exist at all, are they not?—Confining my answer to my experience in Middlesex, they were not so formerly, but they are so now in consequence of the establishment of the principle of objecting to all claims; but formerly it was I know a very ordinary practice to insert as many as a hundred such claims in a very long new list; persons claiming for interests that did not at all exist.

155. I suppose that it often requires a considerable knowledge of law to know whether a man has a right to vote or not?—Quite so.

156. A person may make a *bonâ fide* claim to a vote which he is not entitled to?—Yes.

157. I suppose that there are also many persons who have been properly on the register, but who have lost their qualifications, and are no longer entitled to remain on the register?—Many.

158. You are aware that that difficulty used to be got over by a question under the Reform Act, put by the returning officer or his deputy to a voter, "Do you retain the qualification in respect of which your name appears on the register"?—Yes.

159. And that under the provisions of the Act of the 6 Vict. c. 18, that question can no longer be asked?—No question can be asked at the poll as to the right of a man to vote.

160. Do you think that it would be desirable to re-enact that provision, and that that question should be put to voters at the poll, "Do you retain the qualification in respect of which your name appears on the register?—No, I think not.

161. What would be the objection to it?—The objection would be that it would lead to long contentions and discussions before the returning officer, or at the polling booth, with no beneficial result. It was found previously to the passing of the Registration Act, that the effect of that was to delay the polling, and that captious objections were

were taken against voters on both sides, for the purpose of inducing voters to leave the booth. Some voters were very scrupulous and conscientious, because the question went to this extent: "Do you possess the same qualification"?—It often happened that a man had claimed, or had been described in the register in respect of two buildings, and had parted with one, and although he had the 40*s.* interest still remaining, he would not take the oath.

162. With regard to objections, you say that in Middlesex all new claims are objected to; you would provide that a new claimant should send in some *primâ facie* evidence in the nature of a declaration?—I give him the option of doing so when he sends in his claim.

163. He might either send in his claim in the present way, or send it acccompanied with a statutory declaration of what his title was, and you propose that then if he proved his right to vote, having been objected to, he should obtain costs against the objector?—Yes.

164. But that if he sent in no claim the objector shall not be liable to costs?—Yes, excepting that I would go thus far: the proposition which I make is that the revising barrister should be satisfied by *primâ facie* evidence that the man has a right; but if a notice of objection is served on the claimant, and he is put to the trouble of providing himself with evidence sufficient to maintain his right against an opposition, and of bringing strict legal proof, then I think that I should allow costs to the claimant if he maintained his right.

165. Even if he had sent in no declaration?—Even if he had sent in no declaration; if the investigation went beyond the mere fact of *primâ facie* evidence, and he was called upon to establish his right strictly, as he would be by a notice of objection.

166. A great many objections are now made on account either of the want of a proper description of the property, or of an inaccuracy in the statement of the residence?—A great number.

167. Is it not desirable that the voter should have an opportunity of setting those little matters right without being brought to the Registration Court?—No doubt; that is the main suggestion which I have to make.

168. You would allow a previous notice to be sent to the persons objected to, and that then they should have an opportunity of setting right those descriptions, and the statement of their residences before the question is brought before the barrister?—Yes.

169. You would give an opportunity to the voter to set the description of his qualification or his present residence right, before the question came before the revising barrister?—Yes; that any errors of description which were pointed out to him should be corrected by notice from the voter to the clerk of the peace.

170. And these corrections should then appear in the new list to be placed on the church door?—No; I propose that they should be entered upon the copy of the register kept in the office of the clerk of the peace, open to inspection upon the payment of a small fee of 2*s.* 6*d.*

171. Would you bring the correction of the description or of the residence to the notice of the objector; supposing that a list had been published, and that an objection had been made to A. B., either that his qualification was not properly described, or his residence not correctly stated, and that you allowed A. B. to correct that error, would you provide that notice of that correction should reach the objector?—Yes; I think that notice should be given to the objector, and that if he did not withdraw his objection within so many days of the holding of the revision court, he should be subject to the full penalty of the costs if he put the claimant to the proof of his right, after having corrected the error.

172. Do you think that it would be a good thing that all objections should state the ground of objection?—I suggest that the objection by registered electors should be confined to three principal heads, namely: personal incapacity, as holding certain offices which incapacitates a person from voting, or that he does not possess the right, or that he has parted with it, and that the ground of objection should be set forth in the notice, so that the claimant might have an opportunity of answering it.

173. Would you not only confine the grounds of objection to three classes, but should the particular ground of objection relied upon be stated in the notice?—I should propose that the objector should state in his notice under what head of objection he called the right in question.

174. If a voter had been previously on the register, and if the vote in dispute was not a new claim, do you think that the objector ought to give *primâ facie* evidence in support of his objection?—I think not; I think that it would be too difficult to show that the interest in respect of which a man claimed the right had been parted with. It is very easy for a man to prove the positive fact that he does possess the estate, but it is almost impossible to prove that he does not.

175. You would leave the objector to the risk of having costs awarded on that case?—Yes.

176. You wish the clerk of the peace to be the person to give assistance to voters in making out claims?—Yes.

177. Would you charge the clerk of the peace with the duty of ascertaining the facts, or is he to assume the voter's facts, and then to put them into legal shape; would it be the duty of the clerk of the peace to ascertain whether the facts stated to him by the claimant are true, or is he to assume the facts put before him, and merely to put them into proper shape?—He is to assume the facts put before him; he has no duties to perform which affect the right of the elector; his duty is the mere ministerial one of taking the claim as he has received it, and putting it into proper and legal form. If he finds that the information given in the notice of claim is not sufficient to enable him to set forth all the particulars required, he will then immediately communicate with the claimant in order that the omissions may be supplied.

178. Do you know the number of claimants for any one county at one revision?—They are very numerous. I think that the county of Middlesex stands about third upon the list with regard to magnitude. At present we have about 15,000 electors registered, and the number of new claims each year greatly varies.

179. But are they not very considerable?—Very considerable.

180. You may reckon them by thousands?—Last year the number was 1,800, the year previously 1,500, and the year before that about 3,000.

181. Supposing

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181. Supposing that you had a very large number of the voters writing to the clerk of the peace stating their qualifications, not giving him sufficient information, it would involve in all cases a correspondence by the clerk of the peace and payment, would it not?—Not to the extent of thousands or hundreds.

182. Do you intend the clerk of the peace to make a circuit of the county for the purpose of giving assistance, or do you expect it all to be done by letter?—I propose that if the form received is not perfect in all particulars he shall forward an official form, or return the form which he has received, or copy in an official form the particulars which he has received, and point out, in red ink or otherwise, the omissions which have been made, asking for information; it would be merely an ordinary form to be sent, stating that further particulars are required respecting the several particulars, as they are indicated in red ink or otherwise.

183. I think you have said that the overseers who make objections ought to furnish information of their objections to the voters?—Yes, through the clerk of the peace.

184. That when a claimant is objected to by an overseer, he should have notice of his objection just the same as from any other person?—Yes.

185. You wish that the register should be printed in a new shape; you wish that the persons residing in the parish for which the list is published, but whose qualification is at a distance, should be named in that list?—Yes.

186. That, no doubt, would be very convenient for canvassing; but do you think that it would at all serve to make the register more correct than it is at present?—It would do so; for this reason, that at present the overseer of a parish in which a man is residing has no knowledge whatever of the registration in another part of the county.

187. Supposing that you were overseer of the parish of Bromley, and that on the register a number of residents in your parish were stated to have qualifications in Cumberland, should you take any step about it. Supposing that a list was put on your church door of persons residing in Bromley, whose qualifications were in Bromley, and that there was appended to that a list of persons residing in Bromley, who had qualifications to vote for the county of Cumberland, what should you do as overseer of Bromley, in order to insure that the Cumberland Register of Voters was correct?—I do not make any suggestion by which the voters of any other county than that for which the overseer is concerned, should be brought upon the register.

188. I understood you to say that you would append to that list, a list of persons residing in the parish to which the church belonged, on the door of which the list was placed who had votes elsewhere?—Who had votes for that county in respect of property situate in other parts of the county.

189. Then if you only had it for persons whose qualifications were in that county, the scheme would not be perfect, would it. Where would you have the qualifications of persons entered who resided in a different county?—That would be added in a list at the end of the polling district arrangement for the polling district at which the elector would have to record his vote.

190. You would have a third list?—There would be a list. There is at the end of each polling district arrangement at present, a list of persons whose names do not appear in the lists for that district, but who have been registered by the revising barrister to vote at that polling district.

191. Then you would have a supplementary list of persons to vote out of the county?—Yes; of persons resident out of the county.

192. Then, with regard to persons residing out of the county, no more assistance would be given to the overseers under your suggestion, than is given at present?—No; I have often thought the matter over, but have never been able to arrive at any satisfactory conclusion, by which the overseers could be made useful in dealing with these out-voters. If I am right in understanding you to be under the impression that I have suggested that an elector for Cumberland should appear upon the registration list of a parish in the county of Middlesex (if he resided in Middlesex), I have not done so.

193. Then, with regard to those persons, you give no more assistance to the overseers than they have at present?—Not to the overseers, but I do to the out-voters, as to the correction of their descriptions. I propose that the clerk of the peace should forward to them a form to be corrected, but with regard to their qualifications, and whether they really possess the qualification or not; there are no means that I am aware of by which greater facilities could be given to the overseers for investigation.

194. Mr. *Longfield.*] The great object of the register is to prevent the admission of fictitious voters upon it, and to remove from the register those who have become disqualified, is it not?—The great object of registration, I think, is to register all electors who are entitled.

195. That includes the keeping off those who are fictitious voters, and the removal of those who become disqualified?—Yes.

196. In the county of Middlesex you say that there are about 15,000 electors?—Yes.

197. Can you give the Committee an idea of about how many of those were originally fictitious voters; I think I heard you say 100?—No; I said that in former years as many as 100 fictitious claims to my knowledge had been placed upon the county register in one year.

198. That is to say about one per cent. of the voters were fictitious? — I imagine that the greater number have now been expunged.

199. What do you think is the greatest percentage of fictitious voters who have been placed in any one year upon the list of voters for the county of Middlesex? — I cannot give any estimate at all as to "fictitious" voters, because in the county of Middlesex we object to every new claimant.

200. Will you tell me in any other county with which you are acquainted what per-centage of the actual voters are fictitious voters?—I think that that is a question I am quite unable to answer.

201. Then in truth it is your own idea what constitutes "many," you cannot tell me whether it constitutes one per cent. or more of the voters?—I cannot give any estimate as to the number of "fictitious" voters upon any county register; I must ask for explanation as to the term "fictitious"?

202. Fictitious voters we understand to mean those who really never possessed the qualification for

for which they made the claim, but who have got admitted on the register. Then there are others who originally had a good qualification, and who have lost it we will say by insolvency, by bankruptcy, by sale, &c. Can you give me any idea of the number of the latter class remaining on the register who were originally rightfully placed there? Of the 15,000 in Middlesex, how many do not really possess the qualification?—I am not prepared at the present moment to give anything like accurate figures, but I should think that at least 1,000 or 1,500 of those who are now registered as electors do not now possess the qualifications for which they were originally registered; that fact can only be ascertained by an investigation before the revising barrister or otherwise.

203. Can you tell me about how many are struck off annually by the revision for the loss or transmission of the qualification?—I cannot give you any yearly estimate of numbers, because they vary so much according to the operation of societies. In 1859 there were 3,400 objections taken by parties, Liberal and Conservative; in 1860 there were 4,700 taken; in 1861 there were 6,600 taken; in 1862 there were 3,350 taken; and in 1863 there were but 2,200 taken.

204. Can you tell me in those years how many of the objections which were taken were sustained?—In 1859 the total number sustained was 1,700; in 1860 the number was 1,724; in 1861 it was 1,986; in 1862 there were 1,630 sustained; and in 1863 there were 1,037 sustained. The gross total in the five years of the number of objections taken by parties was 19,200, and 9,120 were sustained; that is in round numbers.

205. Do you mean by "sustained" that the names objected to were actually struck off the register?—The names were actually struck off the register. With regard to the numbers sustained, they may be greater, for the reason that I have not taken an objection as sustained where it has been on the ground only of a duplicate entry; I have not considered that as a substantial gain or loss.

206. In the figures which you have given, you have only given individual objections, and not merely duplicates?—Only as to individual objections "sustained."

207. Each is a *bonâ fide* objection to an individual?—Yes; to remove his name from the list, but not calculated as "sustained" if only to remove a duplicate entry.

208. In those objections, I take it that you do not count mere corrections of names; for instance, Richard for Robert?—I do in the objections taken, but the cause of so many not being sustained is that corrections have been made or that the objections have otherwise failed.

209. Then, in addition to those 9,120 names struck off the register as the result of the 19,000, corrections have been made?—Yes; corrections would have been made with regard to the great bulk of the 11,000, but I must explain that this number of objections not only refers to the registered electors but also to the new claim lists.

210. To the revision?—Yes.

211. Will you inform the Committee, on the average, how many days the annual revision in Middlesex takes, as the county with which you are best acquainted?—Sometimes we have had 13 or 14 days, but on one occasion we had two courts sitting at the same time, and we had four revising barristers appointed one year.

212. Do you ever employ counsel on those occasions?—No; there is a provision in the Act against barristers appearing.

213. When the time consumed is so great, I presume that the expense is considerable to both sides attending?—It is, undoubtedly, considerable; of course the extent of the operations of one society may cause a great expense to the other.

214. But the expense is considerable in every way?—It is.

215. In printing, in professional assistance, in notices, and in witnesses, I presume?—It is considerable in every way, particularly for notices, the printing and postage of notices; threepence postage is paid for each notice, but sixpence for each objection, if the service on the overseer be by registered duplicate; that is very considerable.

216. I understand you to say, taking Middlesex as a sample, that the present mode leads to great expense?—It does.

217. You have stated it individually with regard to Middlesex; can you state it with regard to a great many other counties with which you are acquainted?—I do not know the particulars; but from my knowledge of other counties, I know that it does lead to a great expense. But I may say that the work of annually correcting the register, which is accomplished by registration societies, and by agents acting for registration societies, is not adequately met by the subscriptions received.

218. Is it not generally a very expensive and dilatory process?—It is.

219. Varying, of course, with the size of the counties, the number of electors, and the attention which is paid by persons interested?—Yes.

220. Generally, the revision of the present registry is a very expensive process, is it not?—The expense entirely depends upon the extent of the operations; it depends entirely upon what either party think fit to expend in the registration; if it be great on one side, that immediately entails a corresponding expense upon the other side, in order to defend their position.

221. Is it not a fact that the exertions of those persons in every county tend to the purification of the register; that is to say, making it more correct, by removing improper voters, and putting on those who really have a claim; is not the expense useful in that way?—That expense is useful and necessary, but in correcting the register under the present system, purity and accuracy cannot be attained but at a great outlay.

222. Without that expense, a correct register cannot be approached under the present system?—That is precisely the general objection which I take to the system.

223. Will you inform the Committee what are the number of revising barristers employed in England and Wales, and their salaries?—I think that the number is 84 (it is determined by the statute), and that the amount paid is 200 guineas each, which includes all expenses for holding the courts and travelling expenses in the districts.

224. What is the expense to the public in publishing the lists?—I have collected some statistics. I have endeavoured to form an estimate of these matters from such data as I could obtain, and I arrive at this conclusion, that with regard to the registration, the overseers' registration expenses

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for printing and publishing the lists of the 81 counties and divisions of counties amount to about 38,890 *l.*, and that the town clerks and overseers' expenses in preparing, printing and publishing the lists of 201 city and borough registers are about 25,600 *l.*, amounting to 64,490 *l.* The revision expenses, namely, the payment of the 85 revising barristers, at 210 *l.* each, being 17,850 *l.* Then the expenses of the clerks of the peace, in preparing, arranging, and printing 81 county registers, are about 20,800 *l.*, and the town clerks' expenses for the city and borough registers are about 12,100 *l.*; making a total of about 115,000 *l.*

225. In your scheme, or in the proposals which you have given in to the Committee for correcting some of the evils, you state that you impose sundry duties of the overseers upon the clerks of the peace?—I have considerably lessened the duties of the overseers, and have proposed that the whole of the work of preparing the New Claim List, now done by the overseers throughout the county, should be done in one office. The expenses and charges which overseers now separately incur I concentrate in one payment.

226. The advantages of your plan consist in making the Clerk of the Peace in some sort the Revising Barrister up to a certain stage; he, in truth does a great deal which is now done by the Revising Barrister?—He prepares all for the Revising Barrister, but he does not revise himself. According to my plan he would prepare all the work to be laid before the Revising Barrister and collect the information.

227. He would facilitate the duties of the Revising Barrister very considerably?—Yes; he would not touch a name or an entry himself, but would submit it to the Revising Barrister, and if the Revising Barrister approved it he would put his initial against that which was prepared for him.

228. Then you impose greatly increased duties upon the Clerk of the Peace?—Quite so.

229. What salary do you propose to give him, and how do you propose to pay him?—What I have suggested with regard to that matter is this: The work of registration would be very different in the different counties, and it is necessary, in order to arrive at anything like a fair calculation of what would be expected or charged, or what would be the cost of it, to have a clear idea of how different the work would be in different counties. In some counties it would be comparatively trifling, therefore I think that the payment of the Clerks of the Peace might be upon a scale according to the extent of the registers for their counties, or something of that sort; their expenses I have estimated at something like 23,500 *l.* per annum.

230. Is that an increased charge?—No.

231. You estimate that as the remuneration to the Clerks of the Peace?—As the remuneration to the Clerks of the Peace and the expenses they would incur by the payments of Clerks in their office.

232. How many Clerks of the Peace are there?—There is a Clerk of the Peace for each county in England and Wales; but it would not be the payment of a salary, but a fee according to a scale be determined according to the number of the electors and the work to be done.

233. You propose that 23,000 *l.* should pay the Clerks of the Peace and all the additional expenses?—Yes; I estimate it according to the number of electors for each county. I have not here the detailed estimates which I made out; but I went fully into the question as to the expenses. I think that 23,000 *l.* would about fairly cover the expenses of the Clerks of the Peace, or any charge they could fairly make, or be expected to make.

234. Would that include the additional salary for the Clerk of the Peace, himself, and his clerks, and postage and printing, and everything?—Not the printing.

235. Postage?—I made a suggestion with regard to the postage of papers, and so forth, under this system. However that would include what postage would be called for.

236. Do you think that the cost of the registration for correcting the register, if that duty were entrusted to the Clerks of the Peace, or other officials, would be greater or less than at present when it is left to the activity of the interested parties?—Do you mean the expenses of the Clerks of the Peace?

237. The absolute cost altogether?—The cost of registration altogether would be less, and there would be a legitimate action; that is to say, that political parties and associations would chiefly seek to register and not to expunge names from the register.

238. Would not a correct description be facilitated by forms being published by the various Registration Societies, pursuant to Act of Parliament, which should be accurately filled up?—That is done under the present system.

239. And, notwithstanding that, incorrect descriptions take place?—Yes. A claimant cannot make a claim strictly in accordance with the Act without some assistance, and he loses his right to vote for the want of that assistance. I estimate that the expense under the system I propose, would be about 50,000 *l.* for the whole of the counties, and for counties and boroughs 98,000 *l.*

240. Mr. *Collins.*] You say that in Middlesex it is your practice to object to every new claimant on both sides?—Yes.

241. There are four columns in every register?—Yes.

242. The name, the place of abode, the nature of the qualification, and the whereabouts of the qualification?—Yes.

243. I believe that, except the third column, the others are all points upon which the barrister may make what amendments he pleases?—Upon notice of objection.

244. Or without?—Not without.

245. Do you not know that, practically, barristers constantly do amend the second column, namely, the place of residence, without notice of objection?—They do.

246. Do you not know that that is the uniform practice of barristers throughout the country; and that if a man has changed his residence, and the agent or any body in court comes up, and says, "I have left Bradford, and gone to Leeds," the barrister, though no notice of objection has been given, strikes out the word "Bradford," and puts in the word "Leeds"?—Yes, to a limited extent.

247. And do you not know that he is bound to do so?—He is not bound to do so; the law does not compel him.

248. He has the power to do so?—He has not the power if there is a strict interpretation of the Act.

249. But do you not know that barristers always

always do interpret the Act in such a way that they have that power and exercise it?—It is not universal.

250. But almost universal?—It is not almost universal. Where there is a clear understanding between the barrister and the agents appearing before him, that these corrections are made *bonâ fide* by them, he will willingly make any corrections of the register that the agents will point out to him. In the metropolitan districts we have had a number of changes lately made by the Metropolitan Board of Works, in the numbers of houses, and the re-naming of the streets; each of these alterations by the Board of Works would be a valid ground of objection by an objector if he thought fit to make it; but the Revising Barrister has willingly allowed the agents to make new entries and alterations in court, depending upon the good faith of the agents.

251. An objection as to the third column, namely, the nature of the qualification is the only objection material to the vote?—The first and the second would not cause a man's name to be expunged, but the fourth might.

252. Because it might change the qualification?—Yes. He might claim for No. 1, and it might turn out to be No. 2, then he could not prove the registration described.

253. But the place of abode is a matter not in any way going to the merit of his qualification?—No. The place of abode is no part of the qualification.

254. Do you see any objection to a person making an objection to the place of abode, giving power to the Revising Barrister to award costs under the operation of the present system?—I think that the Revising Barrister ought not to award costs unless the description is accurate in all particulars. I think that, under the present system, the voter is bound to give an accurate and proper description of his claim, and that inattention thereto is a fair ground of objection. It is essential that the register be accurate.

255. Do you see any objection to a system of this kind, that any man who has changed his residence might send in to the Clerk of the Peace, supposing the present system to go on, notice that he had changed his residence, and that when he transmitted the list to be published by the overseer, the Clerk of the Peace should amend his list before he reprinted the list?—In practice, that is carried out in this way—that he sends in a re-claim. The general practice in revision courts is for Revising Barristers to set their faces against objections to re-claimants who have taken the trouble to correct their residences.

256. Supposing that a man sends in a re-claim, and no objection is made to his old vote, would you not have his name thrice upon the register?—No.

257. The overseers, I suppose, do not always object?—No. If they neglect their duty, a duplicate entry might result.

258. If, instead of sending in a re-claim, the voter wrote to the Clerk of the Peace, and said, "I wish to make an alteration in statement of my residence, as, instead of living at 10, East-street, Leeds, I live at 12, West-street, Bradford," do you see any objection, if the present system goes on, in the Clerk of the Peace making that amendment?—I do not see how it would be an advantage over the present system.

259. But do you see any objection to his making that amendment instead of a re-claim being sent in?—Yes; I see this objection, that it gives to the Clerk of the Peace the exercise of a power of correction, which would be open to great abuse in large constituencies by individuals falsifying the entries of voters.

260. That is to say as to the second column, which is not material to the nature of the qualification?—Yes.

261. You see an objection to giving the Clerk of the Peace power to amend the second column, which is not in any way material to the merit of the vote?—I do not see why it might not be, if there be some safeguard or verification, but I do not see at what period the amendment could be made.

262. Supposing that at any time in the month of May or June, a man who is on the list writes to the Clerk of the Peace, and says, "I have changed my residence, and I wish you to put my address right; it stands upon the list that I reside at Bradford, and I wish you to write down Leeds," do you see any objection to the Clerk of the Peace having that power so to correct the list?—No, I do not see any objection to that, if the corrections are to be made in open court. The Clerk of the Peace, after he has made up the register, has nothing more to do with it; it leaves his hands; he has not charge of the register; the sheriff has charge of the register, and not the Clerk of the Peace. The Clerk of the Peace thereafter has only charge of the printed copies left for him to sell.

263. Would you see any objection to the Clerk of the Peace notifying to the sheriff, before the time comes for the sheriff to send out the list to the overseers, that such and such corrections ought to be made in it, that is, as to the second column?—I see no reason why corrections of addresses might not be made in the register as it remains in the hands of the sheriff or in a copy, by the Clerk of the Peace, if the corrections are published as re-claims.

264. Would it not be a simpler mode than compelling every person to send in an entirely new re-claim?—No, I do not think that it would at all facilitate the matter; it would only go to this extent, that between the publication of the register and the following revision, the register, as it stood in the office of the sheriff or of the Clerk of the Peace, would have some of the new addresses or alterations made therein by individuals thinking fit to do so.

265. And are not many of the objections taken on the ground of change of residence?—No doubt; but then the objector would have no knowledge of these corrections unless there was some time specified when they were to be made.

266. I suppose, that when the sheriff sends to the overseer a list of the old electors to be published upon the church door, he sends it with the addresses corrected up to the time of his sending the list, then the public at large would have notice that the address was described upon the list when published, and not described upon the list of the previous year?—The list would have been so far corrected; and in effect is a re-claim.

267. And the change of residence gives rise to a very considerable number of the objections made?—Yes; but that corrected list, so sent by the Clerk of the Peace, would not offer any greater facility to the overseer or to the Revising Barrister than the present system.

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268. Do you not know that the list is often encumbered by a person's name being given three times over, because the old vote has not been struck off, he having sent in a re-claim?—It is sometimes twice, but it must be an exceptional case to find it three times.

269. How would you remedy that?—By a special provision to the Revising Barrister to expunge the old entry.

270. But suppose that no one calls the attention of the Revising Barrister to the fact that it is a re-claim?—Re-claims are not only made to correct residences, but to correct all sorts of misdescriptions in all the columns, first, second, third, and fourth.

271. You said, with reference to people polling in their own localities, that very few counties had changed their mode of allocating their voters since the passing of the Reform Act. Is there any difficulty in the way of new polling places being appointed?—There is no difficulty in a rearrangement of the polling-places.

272. Is it not constantly done in counties where the difficulty is felt?—Not constantly.

273. Do you not know that in the West Riding of Yorkshire it has been done at least half-a-dozen times since the passing of the Reform Act?—Yes.

274. Do you not know that it has been done in Northamptonshire several times?—There have been additional polling-places in several of the counties.

275. Have you any suggestion to make with reference to the machinery by which a change should be brought about which you think an improvement upon the present mode of arranging polling-places?—In consequence of the great change that has taken place since the year 1832 in the means of conveyance, it would be an advantage to have the whole system of polling-places for the county submitted to revision.

276. What is there to prevent that at present?—There is nothing to prevent it if the general body of electors in counties choose to take the matter in hand, and get the co-operation of the magistrates.

277. Do you not know that 10 electors by signing a declaration can compel the Clerk of the Peace to bring this subject before the Quarter Sessions?—Yes; and when the question comes before them, a political fight ensues as to the new polling-place submitted, it being alleged that it is more to the advantage of one class of the electors than to another. That has frequently been tried. With regard to the county of Middlesex, we have frequently tried to get a polling-place for Chelsea and Kensington. Now, Chelsea and Kensington contain a preponderance of electors on the one side. Any proposition which will give facilities to that class of electors creates opposition.

278. Then you object to the tribunal?—No.

279. You say that the question whether A. B. shall be a polling-place does not depend upon whether it ought to be a polling-place for the convenience of the voters, but whether the majority of the magistrates upon the bench wish to throw obstacles in the way or to give facilities for voters of a particular political complexion to vote?—If the question is taken up and fought out it is very likely to be politically fought out by the bench of magistrates.

280. You have stated that there is a great difference in the registration of boroughs, because the suffrage is a question of value. The 50*l.* Chandos Clause is a kind of rent?—Quite so.

281. Do you not think that when in the rate-book the gross estimated rental was put at 50*l.*, there would be a presumption that the rent was at least that?—There might be a presumption that the rent that would be paid by some one would be that.

282. By the occupier. If the name of John Jones was put in as the occupier at such and such a gross estimated rental, would there not be a *primâ facie* presumption that that rent was paid by that man?—Not that that man paid rent to the extent of 50*l.* You might presume that the house would command 50*l.* The occupier might be the owner or leaseholder.

283. Viscount *Ingestre.*] Do you notice in the county of Middlesex, or in large counties, any reluctance or carelessness as to making a claim, for instance, where there has been an objection?—There perhaps has not been so much carelessness in making a claim where its necessity has been brought to the knowledge of the party, as in afterwards obtaining proof in support of that claim against an objection. The disinclination is to leave business, and to attend at the court or to obtain the deeds necessary to substantiate the claim in opposing an objection.

284. If registration societies did not exist, do you not think that many persons having a qualification would not take the trouble to substantiate it?—They would not; the matter would not be brought to their notice. The operation of registration societies in the first place is to seek out as many as they can of their friends who are unregistered; and, if possessed of the qualification, to register them; that, under any system, would be necessary.

285. You have said that the registered electors in Middlesex are about 14,000?—The number is 14,503 in the present year. That number does not represent truly the number of individual electors entitled to vote, because there are duplicate entries. I think that the duplicate entries we have would reduce the number by about 700 or 800.

286. But are there many people in the county of Middlesex, and in all counties entitled to be upon the register, who do not take the trouble to put themselves on?—This number, 14,503, does not represent the county constituency of Middlesex. There can be no question that in the outlying districts of this county there must be from 3,000 to 4,000 persons entitled to vote under the 50*l.* Chandos Clause, if we could get all the particulars of the cases.

287. Without the existence of registration societies many persons on either side would not be placed upon the register who have the proper qualification if they choose to make a claim?—Quite so; the suggestions I make are not to do away with the action of registration societies, but to direct that action into the legitimate course of registering all electors, and objecting only to the unqualified.

288. As far as I can understand your scheme, your object is to simplify the thing so that the real business of the Registration Courts shall be in testing whether a qualification be really a good one or not, and not to waste time in errors of description?—That all those matters of errors of description and correcting the register shall be performed elsewhere, and that a man having once proved

proved his qualification shall keep his vote so long as he possesses that qualification.

289. You think that a great deal of time would be saved in the Registration Courts?—Yes, because we should not have the annoyance which we now have.

290. Viscount *Enfield.*] Is there any remedy which you can suggest for repeated objections?—There is the suggestion that the amount of costs should be so large as to deter anyone from repeating the objection. I am not aware of any provision which could be made to prevent a man objecting to another a second time.

291. Have you any other remedy to suggest but the heaviness of the costs?—The only other remedy which could be introduced, is that of actual punishment, imprisonment, or something of that kind.

292. Speaking generally from what you have heard with regard to registrations, are individuals repeatedly year after year subjected to their votes being objected, they having proved their claim satisfactorily before the Revising Barrister?—Yes.

293. From your knowledge generally, you think that that is the case?—Yes. Without mentioning names, I may read the following letter:—"I have on two previous occasions attended in person to substantiate my claim when objections were made against it, on both of which it was at once allowed, and on the last occasion costs were awarded against the objector." (This is the third objection.) "I am at present too much an invalid to attend, nor do I think I shall be able to procure a proxy; I am also in my 79th year, and have lately become quite deaf, so that it would be very inconvenient for me to be present; at the same time I should much like to retain my name upon the register; I should feel much less difficulty at the hustings than at the barrister's court." We receive numbers of these letters.

294. What is the highest amount of costs which could be given to an elector whose vote has been objected to, and who substantiates it?—20*s.*, under the 46th clause of the Act.

295. What is your proposal with regard to costs in that case?—That the maximum amount should be 3*l.* I think that 3*l.* would be so heavy a penalty as to deter anyone from pursuing a system of wholesale objections.

296. In your recollection of the working of the Revising Barristers' Courts in Middlesex, has the penalty of 20*s.* been often inflicted upon a party?—Yes, frequently; it has perhaps been inflicted upon my own side as well as upon the other.

297. The full amount has been awarded against objectors?—Yes, frequently, where the case has evidently been groundless, or frivolous, and vexatious.

298. Where the objection has been repeated more than two years against the same party?—Yes; and that whether the objection has taken place *bonâ fide*, or has been taken in error; I have myself paid 1*l.* costs where I have found that my information has been perfectly erroneous, and the voter has been brought to the court, and put to quite that expense in attending; and so also my opponent, where he has found his information incorrect.

299. Mr. *H. Bruce.*] Am I to understand you to say that you deprecate that part of the machinery which consists in the Clerk of the Peace sending to the overseer the list of the voters who reside in his parish, as a preliminary step?—No. The preliminary step is for the Clerk of the Peace, at an early period of the year, to transmit to the overseer a copy of the register for the time being, with instructions as to what is to be done with it. I also suggest that the Clerk of the Peace should put himself into communication with the man who actually performs the duty. In most parishes there is an assistant-overseer who practically carries out the work, or a vestry clerk; therefore a communication would be sent to the vestry clerk. The overseer, acting according to the instructions, would make an investigation into the accuracy of each entry, see whether it were correct with reference to the address of the elector; whether it were correct as to the description of the qualification and the situation of the property. If there were any alterations requisite to be made in it, he would notify them in the copy sent by the Clerk of the Peace, and return it to the Clerk of the Peace on a given day.

300. Should the new claims, according to your scheme, be made direct to the overseer, as at present, or either to the overseer or to the Clerk of the Peace?—Either to the overseer or to the Clerk of the Peace. The overseer would transmit any claims he received to the Clerk of the Peace, who would make out the list.

301. As I understood you, one of the recommendations of your plan was that the Clerk of the Peace should have the power of making such suggestion, as would enable the claimant to state more distinctly upon the face of the register what his qualification was?—Yes.

302. Supposing that the answers to the questions suggested by the Clerk of the Peace led to a doubt or a certainty on the part of the Clerk of the Peace that the claimant had no qualification, would you give him the power to strike out his name?—I should give the Clerk of the Peace the power to object from the information which he obtained from the overseer, that is to say, that the objections should be made by the Clerk of the Peace, upon the information supplied to him by the overseer, so that if the Clerk of the Peace had knowledge that a man was not entitled, he would let the name go into the list, but it would be objected to, and notice of objection would be sent to the individual sending in the claim.

303. Mr. *Algernon Egerton.*] You have had experience of a great many revising barristers, and I suppose of their practice in court?—Yes.

304. Is their system generally the same, or do you find that different gentlemen have different opinions in regard to the cases in which they ought to award costs?—They entertain very different opinions as to what constitutes a groundless, frivolous, and vexatious claim or objection. It is generally found that a revising barrister new to the duties commences by fining an objector; but in a short time he sees the evil of such a proceeding, and the difficulties that are in the way of the correction of the register without free objections; and he then falls into the general principle of not allowing any costs when corrections in the register are made, where the objection is upon the ground of misdescription.

305. Then you think that the revising barrister does not get well into his work until he has had a considerable amount of experience?—Until he has had one year's experience he is really not fully

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fully acquainted with all the matters likely to be brought before him for judgment.

306. Can you state how many appeals have been made from the decisions of the revising barristers to the Court of Common Pleas during the last three or four years, taking the average?—During the last three or four years I should think that the appeal cases have averaged eight or nine.

307. Do you know whether those decisions have been generally sustained or not by the superior court?—I cannot say.

308. Do you mean eight or nine for Middlesex?—No; for the whole of England and Wales. I think that there were about nine cases last Michaelmas term, and a greater number before; one year I remember 15; I think that the total number of appeals is about 200 under the operation of the clause of the Registration Act, which gives the power to appeal.

309. Mr. *Evans.*] With regard to the polling-places; I think you mentioned that alterations of the polling places, or an increase in the polling-places, had taken place in Middlesex and in Yorkshire?—We have had alterations in Middlesex.

310. Do you happen to know whether that has been the case in any considerable number of counties?—No, it has not. I have endeavoured to get a list of the polling-places as they now stand for all the counties. I have not been able to get it complete, but, as far as I have been able to get the information, there does not appear to have been any general re-arrangement of polling-places in many counties.

311. You would say, that in the majority of the counties there has not been any alteration?—In the majority of the counties there has not been any material change in the polling-places.

312. Is it your opinion, that, practically speaking, there is a good deal of difficulty in obtaining a change or an increase?—From my experience in Middlesex (and it is entirely confined to that county) it is so; perhaps it may not be so in other counties.

313. Mr. *Locke King.*] At present, I think, a claimant for a vote can only make his claim during two or three weeks in the year?—Only between the 20th of June and the 20th of July.

314. According to your plan, would you allow him to claim at any time during the year?—There is no reason why he should not.

315. Do you think that would be desirable?—It would be desirable that at any time he might deposit his claim, and make a declaration. The only difficulty would be, that at present a certain day is appointed by the Act upon which the right of voting is to be proved; every elector must prove that he was entitled to vote upon the 31st of July. A man might make a claim early in the year, and might part with the qualification before the 31st of July arrived.

316. In that case he could be objected to?—In that case he could be objected to, and so removed. It would be a very great facility in the registration of electors, that the claims might be sent in at any period of the year, and the preliminary matters so far completed.

317. The register ought always to be ready on a particular day in November, ought it not?—On the 1st of December.

318. In practice is it ready on that day?—In many counties I have heard of a great many complaints that there is delay in the publication of the register, but in Middlesex we always have it by about the 1st of December.

319. Do you know that in several counties, if anybody applied for the register on that day, or perhaps a month or two afterwards, he would not obtain it?—I have no personal knowledge of the fact; I have been so informed by those who have experienced that difficulty.

320. I think you have given your evidence quite in favour of uniformity as to the type and the size of the register?—Quite so.

321. Can you state at all what the cost of printing the register in Middlesex is?—I have not an accurate return of the printing of the register for the county of Middlesex at the present time. In 1838 the cost for Middlesex was about 270 *l.*, but it has considerably increased since then. I think that about 450 *l.* is now the cost of printing the 250 copies which are usually printed in Middlesex.

322. Do you consider that the register for Middlesex is unnecessarily large; is it in too large a type?—No; I think that the register for Middlesex is now printed in a very fair form; it is printed on one side of the paper. If anything, the names are rather too close together.

323. What is the cost of a copy?—10 *s.* That is regulated by the statute; there is a scale of charges and that is the maximum charge which can be made for a county register.

324. Do you imagine that it could be done for less?—The amount received for the sale of registers goes a very little way towards the payment of the expense. I imagine that in the county of Middlesex there cannot be half a dozen copies of the register sold to individuals not connected with the societies, unless an election takes place; then the registers are sold. I have here a return of the number of copies of these registers sold to the public.

325. Do you see a necessity for having the list in larger type than at present?—Not in larger type than that of the Middlesex register at present; I think that if there were what the printers term a rule placed between each entry it would be more convenient instead of the names being so close together. We cut the list up in various forms and make an alphabetical register.

326. You have, of course, seen the registers of other counties?—Yes, several.

327. For instance, in Surrey the type would be twice the size of that in Middlesex, have you observed that?—Yes; in some counties I have observed that the names are printed in capitals.

328. But that you conceive to be unnecessary; the alteration which you would propose would be to have a little more space between each name?—Yes; I think it is not necessary that the name should be printed as large as it is, as in some registers.

329. Could not the register be printed in such a shape, as that it could be made the polling-book?—Yes; and by my proposition, the list might constitute the polling-book, and the votes of all near residents and neighbours would be taken by the same poll-clerk, so that there would be no opportunity for personation.

330. Have you considered at all whether it would be desirable to have at the end of each register an alphabetical index, consisting only of the name and the number?—That matter has been brought before me, as a question whether it would be an advisable plan to adopt generally. I do not think

think that there is any good end or object in view commensurate with the great expense it would entail. So few registers are purchased by electors, that the cost of an alphabetical index would hardly be met by the demand which is made for it. In the county of Middlesex, practically, we have a strictly alphabetical register made by the register being cut up, and the names sorted, and so pasted down, and prepared. That we do year by year, and in all counties where the registration is efficiently attended to, there are some such alphabetical registers. Without them we cannot ascertain the duplicate entries with any accuracy, and we cannot ascertain in large registers, whether any particular gentleman is registered, because we have no information as to his property, except by referring to the alphabetical index.

331. Are you at all aware of the cost of indexing per thousand names; do you know it practically?—Yes. I think that the work may be done practically, the cutting, sorting, and so forth, perhaps for 25*s.* or 30*s.* per 1,000, something of that sort; it may be less. But I think that if the business were placed in the hands of printers, or in the hands of clerks of the peace, to have it done, the matter then would become very expensive, professional charges would be made in accomplishing it; but it may be done by agencies well known in London to those who are practically acquainted with election work, for perhaps about 25*s.* per thousand.

332. Are you not aware that one of the chief reasons why the sale of the register is so small, is the state of confusion which it is in; that nobody cares to buy it; that no person can find the name because there is no index?—I was not aware that that was so; in fact, I should rather think that as there is a provision in the statute for the sale of the parish lists or polling districts of the register as separate lists, an elector would rather seek to purchase only the register for his district, and not an entire register of the county. Very few electors in counties I think take such an interest in the election proceedceedings as to want the register year by year; and it is only when an election is about to take place that any demand is made upon the clerk of the peace for the entire copies.

333. To what price do you think that this register could be reduced; at present, I think you say it is 10*s.*?—Practically, the cost of that register is not met by the sale; that register could not possibly be produced at a profit. At the present time I should think the printing of that register must cost the county of Middlesex, perhaps, 25*s.* per copy; but it is sold to the public for 10*s.*, according to the statute. The whole number of copies which will be sold for the county of Middlesex this year I should estimate at about 25 or 30. If an election should take place, then the whole number might be sold.

334. Is 10*s.* the highest charge which is paid?—Yes.

335. For the West Riding of Yorkshire it would not be more?—It would not; that was a provision inserted in the Registration Act by the late Mr. Hume.

336. Mr. *Walter.*] Do you think that there would be any objection to allowing the claimant of a vote his costs the first time he was objected to, supposing the objection was not sustained, in cases where the objection was not merely technical, and did not refer to the accuracy of description, but to the substance of the vote and the nature of the qualification. Do you think that in such cases where the objection was not sustained there would be any impropriety in allowing costs to the claimant?—I think that there is an impropriety in allowing costs where no evidence has been given of the right for which the claimant desires to have his name inserted.

337. Does not the *onus probandi* lie upon the objector?—Not under the present system.

338. I understand you to say, that in the case of Middlesex you make wholesale objections to everybody; that you object to every new claimant?—We serve each new claimant with a notice of objection.

339. And I understand you to say that about 50 per cent. only of those objections are sustained?—Not 50 per cent. of the objections to new claimants.

340. Does not it stand to reason that if you object to everybody, a large proportion of those objections must be of a vexatious character?—They are vexatious to this extent, that they are levied upon men who have undoubted qualifications; but in consequence of the general operation of the system, we can pursue no other course.

341. Still is it not a hardship upon a man that he should be objected to, and put to the expense of defending his vote, when he has an undoubted right to it?—Unquestionably, of defending his vote; but the system, as it is at present arranged, does not afford any information whether the right in respect of which he claims is a valid one or not; and the incidents to the qualification for which he claims are such that a person making inquiry cannot obtain accurate information. For instance, a gentleman claims in respect of a freehold property: now, whether he really possesses the fee-simple in his own right, and not in right of his wife (and various other questions arising), does not appear, excepting by the investigation of the claimant himself. But what I have suggested is that the Revising Barrister shall take *primâ facie* evidence independent of an objector as to the right of any person claiming, and that if he has been objected to, and has been served with a notice of objection, and forced to prove his right before the Revising Barrister, and has furnished evidence to establish that right, then he shall be allowed costs, but not costs to the full extent that a registered elector would receive.

342. Are the costs of defending the vote defrayed, like the costs of the objectors, by a Registration Society or, generally, by the claimant himself? By "costs" I mean the expense of travelling and employing a lawyer, and things of that sort?—All those expenses he would be required to bear.

343. As a matter of practice, are those expenses generally defrayed out of the funds of a registration society, as I understand the expenses of objectors are paid; the society itself is the objector?—The expenses the voter personally incurs are defrayed by himself; the registration society merely gives him that assistance of agency which is necessary at the Registration Court to sustain his claim.

344. The expenses of the objector are defrayed by the society; it is no individual voter who will take the expense of an objection to another man's vote. A. objects to B.'s vote nominally, but A., I understand, does not pay the expenses which that inquiry may involve; those are paid by the Registration Society?—The objector would pay nothing unless

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unless he was mulcted in costs; the claimant may be put to expense.

345. Therefore they do not stand on equal ground; as it appears to me there is an obvious injustice in one man being able to put another man to expense without being himself liable to expense in case of failure?—It is an obvious injustice that a claimant should be put to a heavy expense and to great trouble in defending himself against a factious objection; but, on the other hand, if the objector is acting *bonâ fide* in the revision of the lists, and he really has not the information to enable him to determine in his own mind whether the claimant has a *bonâ fide* claim or not, then I do not think that there is hardship on his side.

346. Can you call it a *bonâ fide* system of objections when they are made on a wholesale scale; when everybody's vote is objected to?—Certainly not; I would not entertain such a proposition for a moment, that wholesale objections, without having some good, valid, and reasonable ground for every objection which is made, should prevail.

347. Is it not quite certain that where that system of wholesale objection is resorted to, there cannot be *bonâ fide* reasons, and that it must be known to the persons objecting that there are not *bonâ fide* reasons in every case?—But I make a great distinction between the registered electors and the claimants. I cannot but think that every elector ought to be called upon once to give evidence of his right to claim, or that there should be submitted to the revising barrister *primâ facie* evidence of the right of each claimant to be inserted in the list.

348. Would not the risk of paying costs be, in your opinion, sufficient to deter a man from claiming a vote if he had not a right to it? He would know that if he was cast in the suit he would have to pay the costs; on the other hand, if he gained, it would seem to be fair that he should receive the costs. Do you not think that the risk of losing his costs would be a sufficient check to him?—It would deter men of position and high standing from making claims which they had a knowledge were not *bonâ fide*; but that is not the character of the great class of claimants. We have claims made, which come upon the list, by parties of whom we know nothing except from what appears upon the list.

349. According to my argument, I assume that any person improperly putting his name on the list and being objected to, would be saddled with the costs in case the objection was sustained?—But the great difficulty would be to obtain the costs, or, rather, an award of costs; because the Revising Barrister would not award costs against a claimant unless he appeared to substantiate his claim, and in the course of the evidence it turned out to be wholly frivolous, groundless, and vexatious.

350. If a man puts in no appearance his vote is struck out?—A man not making a *bonâ fide* claim would not appear at the Revision Court, and, consequently, no costs could be obtained against such a claimant.

351. Still he loses his vote?—If objected to, his claim passes for nothing.

352. On the other hand, if he has a *bonâ fide* claim (as a great many new claimants must have, and as it must be known to the persons objecting that they have) if objections are made on this wholesale principle, it is clear that a great number of frivolous objections must be made. Is it not hard that in such cases the claimant should not have his costs allowed him? Does it not tend to promote litigation, and is it not an obvious injustice?—It would be, but I think that there is a misapprehension generally entertained in regard to the nature of a claim. The very terms in which the notice of claim is given seem to imply that some evidence is afterwards to be submitted in support of it. It is to the effect that the elector merely claims to have his name inserted; and it is thereupon placed on the "List of Persons *claiming*"; then the objector, practically dealing with the claim, does not wholly object to the registration; it is the offensive mode pointed out by the Act, by which only the title or claim can in any way be investigated. He does not really object to the claimant's registration; he merely calls upon him to give some *primâ facie* evidence of his right beyond the mere claim or notice which has been sent in, and of which he knows nothing, because, of course, the instrument by which the claim was made is not before the objector; he merely sees the name in the list of persons claiming; he does not know whether the notice were a private letter, or whether it really bears the signature of the party who is supposed to have made the claim. Indeed, the time between the publication of the list of new claims and the last day for giving notices of objection is so short, that there is no opportunity in large constituencies for making that investigation which is necessary to arrive at the *bonâ fides* and proper character of the several claims sent in. Therefore the notice of objection served is not a litigious notice as one by an objector against a qualified registered elector, saying, "I want to get you off the register, and I therefore object to your registration," but it is simply a notice, that, "Having claimed to be registered, I call upon you to give some evidence of your right." In practice, in the county of Middlesex, although we object on both sides to the new claims (and we are bound to do so, because my opponent cannot know that I shall not object to all the claimants on his side, and I for the same reason cannot trust him; we, consequently, adopt the general rule of objecting to all), yet we arrange and settle what shall be the withdrawals upon *primâ facie* evidence submitted. I receive from my opponent *primâ facie* evidence with regard to certain claims from which I judge them to be perfectly clear, and he receives the *primâ facie* evidence of the qualifications of certain claimants which I submit to him. We then settle and arrange these cases, and when we have done that, we arrive at that class respecting which we have not evidence to submit on either side, and these cases have to be submitted to the Revising Barrister; so that although we do serve a notice of objection upon all new claimants, we get rid of a number of the objections so soon as we know the parties have an undoubted right.

353. Mr. *Wynn.*] I will take your objections to the present system in the order in which you have put them. The first is as to the inability of overseers to perform the duties. Your experience has been principally in the Home Counties?—In the Home Counties.

354. There the standard of education being higher than in the rural districts, I suppose that you find no inconvenience from illiterate overseers?—Not in the larger parishes in the district, in

in consequence of the duties being performed by a vestry clerk; but in some of the rural districts, outlying districts, there have been very many omissions by the overseers in the performance of their duties.

355. Have you ever had such a case, for instance, as the new claims being all mixed up with the existing register?—Yes; we have found that, even in the county of Middlesex. That was the system in the registration under the Reform Act; there was no distinction between new claimants and registered electors, and the overseers continued that practice; very frequently we find it so now; we frequently find the new claims published at the end of the register without any arrangement or order at all.

356. Have you ever had such a case as this (one has occurred within my own knowledge) in a parish with very few names: viz., the whole of the names being copied out upon the objection list, and so nailed upon the church door?—I have often found that the register for the time being has been published as a list of persons claiming, which is a similar instance, and that the new claims have been published as a list of persons entitled, or as the copy of the register.

357. As to the question of verification, you say that the majority of fictitious claims would be those for a small freehold interest in plots of land; that that is the usual form of a fictitious claim?—That is the usual form; a fictitious claim is more likely to be made in respect of some freehold qualification than any other, and one which could not be negatived according to the description was given.

358. I understand you to say that you would like some sort of verification to be sent in the first instance with the claim; how could that be done in what I believe to be a more common case of fictitious claim, namely, the case of a rent-charge. I believe that to be a more common form even than a freehold?—The verification of a rent-charge could only be by a statutory declaration that the claimant possessed the rent-charge upon the premises, setting out the premises upon which the charge was granted.

359. Then that is, in point of fact, the evidence which would be brought before the Revising Barrister. You could only bring the deed and the receipt for the money before the Revising Barrister?—The proof which would be submitted before the Revising Barrister in the case of a rent-charge where the claimant was objected to, would be by production of the deed and proof of the first year's payment having been made, it being an incorporated hereditament.

360. Then the claimant must go through the form of making a declaration before a commissioner that he is entitled to this rent-charge, and must transmit that declaration of his claim?—He would have to submit some proof to satisfy the Revising Barrister.

361. I am talking of a period before it comes to the Revising Barrister. I am speaking of the claim in the first instance being sent in to the overseer or to the Clerk of the Peace, according to your scheme, and you wish that a verification shall be transmitted with the notice of claim?—That is only permissive; a claimant in respect of a rent-charge may send in his claim, as at present, by sending in his claim to the overseer, and there will be an end of it until it comes to the Revision Court. When the case was before the Revising Barrister the claimant would be required to submit *primâ facie* evidence that he possessed the qualification claimed.

362. You say that the courts of the Revising Barristers are now very often held in improper places. You are aware that there is no machinery provided for the Revising Barrister to procure any court at all; that he must find it himself?—Yes.

363. That he has no right to any room?—He has no right to any room; he must find his own court and must pay for it.

364. As to sufficient time not being given; you are also aware that the Revising Barrister has the power to adjourn any case or any parish until a subsequent time?—Quite so.

365. And in your experience has not that power been exercised?—It has been exercised very frequently, certainly to the inconvenience of the electors in this way; that, having prepared to meet the objections on a given day, by having the voters present, or having witnesses in attendance to prove their cases, we may have found the business so heavy that the parishes below a certain letter had to be adjourned till a future day.

366. How can that be avoided any more than it can be with a heavy cause list?—It can be avoided to a great extent by the Revising Barrister's communication with the agents who have the business, who would acquaint them with the nature of the business, and would give them information as to the number of cases to come before them.

367. But you are aware that that information is already, by statute, transmitted by the Clerk of the Peace beforehand?—Quite so; there are transmitted to the Revising Barrister the number of overseers' objections, the number of parties' objections, and the number of names upon the new claim list; but, from the figures, he is not enabled to arrive at any just estimate of the time required to go carefully through the several lists, whereas, by communication with the agents who have the business, he would arrive at something like a fair estimate of the matter.

368. As regards an elector residing out of his polling district, who wishes to poll near his own residence, do you think that your suggestion is simpler than the machinery already provided? In the case of an elector wishing to change his polling district, and to poll in the district in which he resides, his qualification being at the other end of the county, do you think that the machinery which you mention is simpler than that provided by the Act?—Much simpler in this respect, that the work is done for the whole of the county without any communication with the elector; he has nothing to do with it; the proposition is that it shall be the law that each elector shall be registered to poll in the district in which he resides.

369. Irrespectively of his qualification?—Irrespectively of any claim from him, or any matter of that sort. In the Bill introduced by the Hon. Mr. Disraeli there was a proposition contained in the Registration Clauses to print two registers, one a register for registration purposes, and the other a register for voting purposes; and the system pointed out was to take the entire register as it passed from the Revising Barrister's hands, and to re-arrange the whole of the names of the electors throughout the county in polling districts, and re-print the register. I arrive at the same result, namely, that every man should

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should poll where he resides, by extending the clause in the present Registration Act.

370. Is there any guarantee for the verification of the register as now printed by the Clerk of the Peace after the register is transmitted by the Revising Barrister?—There is no guarantee.

371. Are you practically acquainted with inconvenience in that respect?—There have been several instances of it.

372. Misprints and transposed qualifications?—Yes; I have found that in the course of making up the register by the Clerk of the Peace after he has received the list from the Revising Barrister, names andqualifications have been substituted one for another. I do not know how that is to be cured; these errors will occur whatever vigilance is exercised in correction; but I frequently find that names have been omitted by the Clerk of the Peace in printing the register. When I have had in my brief as the result an objection that the name was retained, the Clerk of the Peace has omitted the name altogether. In fact, there was a case of the kind which gave rise to considerable discussion in South Lancashire.

373. Is there any provision for any sufficient number of copies of the register being printed, and being kept for sale by the Clerk of the Peace?—There is no provision in the Act requiring any definite number of copies of the register to be printed and kept by the Clerk of the Peace; what number of copies are likely to be required is left entirely to the judgment of the Clerk of the Peace.

374. Have you ever known, on the occasion of an unforeseen vacancy, a great advantage given to the first candidate in the field by the sale to him, at a certain price, of almost all the copies of the register then printed?—I have heard of such cases, and I can conceive that it is quite practicable; I remember that in the County of Middlesex, in the election, I think, of 1847, we found that there were only half a dozen copies of the register left in the Clerk of the Peace's office, and there was the greatest difficulty in getting these, as they were required by the sheriff to carry out the polling. In fact, it is not bad policy to purchase at once the whole mass of copies of the register in the office in order to prevent your opponent getting information; but Registration Societies usually have accurately prepared lists ready in case of an election occurring, more useful than the register itself.

Martis, 1° *die Martii*, 1864.

MEMBERS PRESENT:

Mr. Sclater-Booth.	Mr. Evans.
Mr. H. A Bruce.	Mr. Hunt.
Mr. Edw. Colebrooke.	Viscount Ingestre.
Mr. Collins.	Mr. Locke King.
Mr. Dodson.	Mr. Walter.
Mr. Algernon Egerton.	Mr. Charles Wynn.
Viscount Enfield.	

JOHN GEORGE DODSON, Esq., IN THE CHAIR.

W. A. James, Esq.
1 March, 1864.

WILLIAM ALBERT JAMES, Esq., further Examined.

375. *Chairman.*] WILL you state to the Committee the order in which the different steps for county registration would be taken under the scheme which you have suggested, and the date of each of those steps?—The business of county registration would commence annually on the 1st of May by the Clerk of the Peace forwarding to the overseer of each parish within his county a copy of the register in force, with instructions to make an investigation as to the correctness or accuracy of the particulars set forth in each entry in the register. The overseer could, under proper supervision, perform that duty; in small parishes he would be able to complete the inquiries himself; in larger parishes he would have the assistance of collectors and others, through whom the information might be easily obtained.

376. By what time do you propose that he should be bound to return the information which he has collected, and the annotated copy of the register to the Clerk of the Peace?—On the 1st of June he would have completed his inquiries; that gives him one month to make his inquiries, and to mark the result thereof upon the list or copy of the register he received from the Clerk of the Peace; he would then forward this annotated copy to the Clerk of the Peace. The Clerk of the Peace would examine the returns, and follow out the processes pointed out in the suggestions.

377. And he would communicate with the electors where necessary?—He would communicate with all electors whom the overseers had informed him in their belief were not entitled to be

be registered. He would send a circular to all electors whose entries required correction, either of the address or of the descriptions of the qualifications returned by the overseer as being necessary to be made.

378. Up to what time would you give him to do that?—On or before the 25th of June, the Clerk of the Peace would have prepared a sufficient number of copies of the existing register with the objections marked, and the notes as to removal or death, and other matters brought before him by the overseers; and he would send the copies to the overseers with instructions to publish them on the several church and chapel doors, together with a notice to the public.

379. Then you propose to give the Clerk of the Peace from the 1st to the 25th of June to prepare the information which he has received from the different overseers, and to communicate with the electors, and to make his own annotations upon the register, which he has to send to the overseers for publication?—He would have from the 1st to the 25th of June to prepare the lists for publication; the information received from the electors would not be required until a later period; he would only have to communicate with the electors; it would not be necessary that he should receive their answers before the lists were published; he would only communicate to them that certain corrections were necessary.

380. What annotations would the Clerk of the Peace make upon the copies which he sent to the overseers for publication; would they only be of the objections?—They would be of the objections; that is to say, merely the words "dead" and "objected."

381. They would not, on these annotated lists, publish any corrections as to description or address?—No; and there is very good reason for that. Such an annotated list would give information to an opposing party. Where information was returned by the overseers to the Clerk of the Peace that a voter had removed, or that there was some material error in his description, it would cause a speculative objection to be taken, or, at all events, direct inquiry thereto by an opponent; and as there is no object to be attained in publishing that information, I provide that the corrections proposed to be made should be kept in the office of the Clerk of the Peace, for inspection by any person paying a fee. The Clerk of the Peace is directed to prepare a copy of the register, with the annotations; and this list, so prepared, would be retained for revision by the Revising Barrister, and a copy would be kept in the office of the Registrar of Voters, for inspection by any registered elector on the payment of a fee of 2 *s.* 6 *d.*

382. During what periods would that be open to inspection?—From the time that the notice was given to the public to correct their descriptions up to the holding of the revision court. I have not suggested that the Clerk of the Peace should himself make these corrections, but that he should prepare a copy, with the corrections marked, to be submitted to, and made in open court, by, the Revising Barrister, so that if necessary any objection might be made to their propriety.

383. On what day do you propose that the overseers are to publish the notices to claim and the annotated copies of the old register?—The overseers would publish the copy of the list before the 1st of July.

384. When are they to publish the notices to claim?—I propose that there shall be, at the same time, a notice to the public calling upon all persons entitled, but not upon the register, to send in notices of claim.

385. And that period is to be the 1st of August?—On or before the 1st of August. At present it is on or before the 20th of July.

386. On what day are the overseers to give notice to the public to claim?—The notice is to be published on or before the 1st of July, and the last day for sending in notices of claim would be the 1st of August.

387. On the 25th of June the Clerk of the Peace is to send the annotated copies of the old register to the overseers?—Yes.

388. On what day are the overseers to put up those annotated copies on the church doors along with the notices that persons entitled are to claim?—The overseers are to publish forthwith, after the 25th of June. Immediately upon the receipt of the register and the notice to the public from the Registrar or Clerk of the Peace, the overseer would make them public.

389. He would publish both?—He would publish both forthwith; that is to say, from the 25th of June until the 1st of August would be the period during which persons might send in their notices of claim or correct errors of description.

390. You therefore would give persons rather more than a month to claim?—Yes.

391. By what date must objection be sent in?—On or before the 20th of August.

392. And when would the objections be published?—On or before the 31st of August.

393. Under your scheme would there be any objections to new claimants at all?—There would be. Under my proposition there would hardly be a necessity for an objection; but if an elector objected to a new claimant who had made a statutory declaration of his right, he would be required to give him ten days' notice prior to the holding of the revision court.

394. You do not propose to alter the time of holding the revision courts?—No; you could not very well extend the time beyond the last day of October, in consequence of the law courts opening early in November. I think that the present provision for time, between the 15th of September and the last day of October, is amply sufficient.

395. Have you considered the possibility of giving further assistance to county voters in being registered, by providing some official agency by which persons entitled might be placed upon the registers of counties in a somewhat similar manner as they are in boroughs?—Yes; I have given much consideration to the subject at different times. In fact, the only right principle of registration I conceive to be this, that every elector entitled to a vote should be registered without unnecessary trouble or inconvenience to himself. Such would be a principle of self-acting registration, if it were practicable; but, in consequence of the very diverse character of the qualifications for counties, I have failed to find any machinery existing, or to suggest any machinery which could be safely relied on. The matter came more prominently before me upon the introduction of Lord Derby's Reform Bill. That Reform Bill contained a number of clauses for amendment of the registration, the chief of which introduced a principle

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of self-acting registration. The overseers of parishes were directed to make out, annually, a list of all persons entitled to vote for counties, either from the rate-book or from any other source of information within their power. In applying such a principle of self-acting registration, I think there would be great danger, arising from two circumstances. The first, that overseers, collectors, clerks of unions, and others are frequently actuated by strong political bias, and that, unless they were restricted as to the source of information from which they are to obtain the names of persons entitled to vote, they would place upon the list only those who are favourable to their own particular opinions, or would not be astute to make inquiries with respect to the qualifications of persons of different political opinions. The second objection is that, as any principle of registration must be strictly limited in its action to registering persons who are now enfranchised, and not, in effect, create a new franchise, if you adopt as its basis the designation of any class of persons (such as "owners") you would be placing on the lists a great number of individuals who are not possessed of the county franchise, and you would be excluding a vast number who are possessed of the county franchise. If you were to adopt any designation, such as "owners," which is not a designation used in an enfranchising Act, you would be introducing a vast number of persons under that designation who are not enfranchised, and excluding a vast number who are now enfranchised. Then, again, the principle of self-acting registration, I think, should act universally and not partially; it should not be for the benefit of any particular class, or applicable only to any particular franchise, but should act generally with respect to all franchises, and should be applicable in all the districts of a county, as well in the country as in the town, and as well in the town districts as in the country.

396. You have said that one of the *primâ facie* proofs of a person being entitled would be the rate-book. Will you take before you the schedule to the Parochial Assessment Act, the 25 & 26 Vict. c. 103; and will you state from that schedule how far it would be possible for the overseer, or the clerk of the union, or any other official, to ascertain with sufficient accuracy who was entitled to a county vote, in order to be enabled to register him with any degree of security? I will take first the case of owners?—Perhaps I might explain, generally, that the first difficulty which presents itself is that these valuation lists (as they are termed) and the entries in the rate-books are in themselves very imperfect, and that the requirement to insert the name of the owner is not generally observed. Many parishes have special Acts of Parliament to which this Act is not applicable; in others, if you investigate the mode of proceeding by which the list is made up, you find that the source from which the information is obtained is very unsatisfactory. The surveyor or the assessing committee makes inquiries of the occupier as to the owner; the general answer given by the occupier is the name of his immediate landlord, so that the owner returned by the occupier may or may not be the individual entitled to the franchise in respect of the premises.

397. In what cases is it likely that an occupier would return as the owner of a property a person who was not the owner; does not the occupier naturally return the person to whom he pays the rent?—Quite so; but the person to whom he pays the rent may or may not be entitled to the franchise. It is not every owner of property returned by the occupier who is entitled to the franchise; for instance, the greater number of leaseholders hold sub-leases, but not being in occupation they are not entitled to vote. The general principle of dealing with land is to divide it into plots for building, houses are built upon it, sub-leases are granted, and the occupiers pay their rent to the sub-lessee: upon the assessor inquiring of the occupier who is the owner, he naturally gives the name of his landlord; that landlord is a sub-lessee and not entitled to vote; the man entitled to vote is the freeholder; the freeholder's name, therefore, does not appear in the column.

398. If the leaseholder be a leaseholder for a term above 60 years, or if he be a leaseholder of above 20 years, then the leaseholder is entitled to vote?—The question would then arise, What beneficial interest has he in the property?

399. Before we go to value in these cases, would not the cases in which the occupier would return a leaseholder as the owner be the cases of long leases?—Not necessarily.

400. Would they not necessarily be so?—No, I think not. I think that there would be as many short sub-lessees returned by the occupiers as "owners" as there would be long leaseholders returned as "owners." The county franchise in respect of leasehold is very difficult to prove, even where you have the claimant before you. You are frequently compelled to call for the production of his lease, for the lessee has but a very obscure notion of the character of the lease under which he holds; he is unable to say whether it is an original lease, or whether it is a sub-lease: and the clause which gives the franchise to leaseholders requires that the lease should have been granted by the freeholder; that the beneficial interest which the voter has in a lease for 60 years shall be 10*l.* per annum; and that the beneficial interest which he has in a lease for 20 years shall be 50*l.* per annum. The value to the lessee is not indicated by the estimated value of the property. The franchise depends upon the quantum of interest the voter has in the property, and not upon what is the estimated absolute value of the property itself.

401. You said that the lessee must have the lease granted by the freeholder, as I understand you?—The lessee must have the lease granted by the freeholder.

402. Is not the lessee of freehold or of copyhold, or of land or of any other tenure, if he be a lessee for 60 years, entitled to a vote; it need not necessarily be freehold property to entitle the leaseholder to a vote?—I do not know under what other tenure an original lease could be granted; a sub-lessee is only entitled when he is in occupation.

403. But it is immaterial whether the property be freehold or copyhold; that is to say, whether the man who granted the lease be a freeholder or a copyholder?—It is absolutely necessary that he should have a freehold or a copyhold interest.

404. Therefore that difficulty does not arise as to whether it is freehold or copyhold; if the lessee holds under a term of 60 years that is sufficient?—No, it would not be sufficient. The question then necessarily arises, What interest had the grantor: was he the freeholder or the copyholder?

405. That

405. That is to say, did it belong to him in fee?—Yes; and unless it belonged to the grantor in fee, the lease would not entitle the holder to the franchise unless he were in occupation.

406. So that it is not sufficient to ascertain the length of the lease; you must also know the title of the person who granted the lease?—Precisely; you must know whether it be an original lease or not. Unless it be a lease originally granted by the freeholder or the copyholder, it does not entitle the lessee to a vote.

407. Supposing that it should be made the duty of the overseers, or of any other officials, to inquire what was the title under which the property was held, and to enter it in the valuation list, could you then tell, from the column showing the "gross estimated rental" or the "rateable value," whether the property was of sufficient value to entitle the person to a vote?—My first objection to that would be that the overseers, acting under political bias, would not carry out such a process of registration, except with great danger to the constituency generally; but, in the second place, I do not think that they could obtain the information: it would first be absolutely necessary so to instruct the overseers, that they should have a clear and accurate perception of the nature of the franchises respecting which they were about to make inquiry, or they would fall into very many errors with regard to the rights of the several persons whom they would register.

408. Take the case of a person who is entered in the valuation list as the owner of a property the rateable value of which is 10*l.* per annum; could the overseer go far wrong in placing that person upon the register of voters?—Yes, he could.

409. That person would be entitled to a vote whether his property were freehold or copyhold or leasehold of 60 years, would he not?—Not necessarily; it is not even *primâ facie* evidence of his right. First, though he might appear as the owner in the list, he might not be beneficially interested; he might be only trustee or mortgagee; he might hold the property under various circumstances, and receive the rent not for his own benefit: then he would not be entitled. The same objections would apply to copyhold. Then with regard to leaseholds, into which we have gone pretty fully, although the leaseholder may be properly described by the occupier as the "owner," still his leasehold interest might not entitle him to a vote. Therefore, looking merely to the returns of names as they appear under the description "name of owner," you would gather no evidence as to the *primâ facie* right of the persons to be registered in respect of existing county qualifications. Had the word "owner" appeared in the enfranchising clauses of the Reform Act, or in the Statute of Henry VI., then the rate-book or these valuation lists might, *primâ facie*, be evidence of the right of the person named therein as "owner" to be registered; because the franchise then would be granted to the owner and not, as at present, to freeholders beneficially interested, copyholders beneficially interested, and leaseholders of particular terms, and having particular beneficial interests in the property.

410. Is it not, in the vast majority of cases, *primâ facie* evidence, if a man is the owner of the property, that he is beneficially interested?—Not necessarily so beneficially interested as to entitle him to be registered.

411. But is it not a strong presumption?—It is a strong presumption that he has some interest in the estate, but it is no presumption that he has that quantum of interest which is absolutely necessary to constitute a county franchise. Presuming that the term "owner" was used as a synonymous term for "leaseholder," it might, and would in fact, be *primâ facie* evidence that the voter held under a lease, but it would be no *primâ facie* evidence that he was entitled to the franchise; that is to say, *primâ facie* evidence that his lease was an original lease, and that he had a beneficial interest in the property to the extent of 10*l.* or 50*l.*, according to the requirement of the Statute, depending upon the term of the lease.

412. The rateable value put down in the column of the Assessment Act is the gross estimated value of the property, deducting from it tenants' rates and charges, and the expenses necessary to keep the property in a state of repair to command the rent which it at present does?—Yes.

413. In what respect does the value required to entitle a man to the franchise differ from the rateable value put down in that column?—In this respect, that the interest which a leaseholder must have in a lease to entitle him to the franchise——

414. I am not speaking of a leaseholder, but of a freeholder or copyholder?—If I take the leasehold interest first, I can show how it applies to a freeholder. The leaseholder must have a net beneficial interest, that is to say value, over and above all rents and charges. Under most leases there is a rent reserved; the beneficial interest must be above the rent reserved. There may be many other requirements under the clauses of the lease which operate as an annual charge upon the property. All these rents and charges must be deducted from the "rateable value" or the "gross estimated value" of the premises before you arrive at the net quantum of interest which the leaseholder has in the property: so, with regard to freehold, the deductions to be made from the gross value of the property would be any charges, such as rentcharges, interests secured of various kinds, fee farm rents which may be charged upon the property, and mortgage interests, and many other charges to which freehold property is subject; they must be all deducted before you arrive at the fact of the interest of the freeholder being such as entitles him to the franchise. I admit that, in the generality of ownerships of freehold, it is only the exception to find that a 40*s.* interest is not left; the cases in which the exception applies are chiefly those for small plots of land, under building societies or otherwise; but generally, if you find a freeholder rated as the owner, you may take it for granted that he has an interest of 40*s.* in the property.

415. Then the "rateable value" shown in the column of the Assessment Act does not show the clear yearly value, above all rents and charges, which is required in order to entitle a person to a vote?—Certainly not.

416. Because you have to inquire whether any of the deductions or various charges which you have just enumerated exist?—Quite so.

417. And you do not think that that would constitute sufficient *primâ facie* evidence that a man was entitled to a vote, to enable the overseer to put him on the register?—It would not. It would be very desirable if it could be applied, but I do not see how it would be possible to take

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take as *primâ facie* evidence the term "owner," as representing the fact of a freeholder, or a leaseholder, or a copyholder having the requisite beneficial interest in the property. It would certainly exclude the greater number of freeholders from the register, because house property belonging to freeholders is generally let upon long leases, the lessee again sub-leasing it, so that the freeholder is not returned. Again, a great deal of property is held by joint tenants. Both are never returned by the occupier of the property to the assessor or to the assessing committee. The occupier knows very little about it; indeed, considering practically how these returns are made, you will find that the information contained in that column is so uncertain that it would lead to no right conclusion; not, perhaps, in small parishes in distant counties, but in large and populous parishes, or in large towns and cities, it could not possibly be applied. The information you have in that column, when the requirement to obtain it is observed, is merely as to the christian name (perhaps only the initial letter thereof) and the surname; there is no address, and there is no further designation.

418. Your objection to using the valuation list as *primâ facie* evidence for purposes of registration is twofold as regards owners: first, that the column of "owners" is not to be depended upon as indicating the man's freehold interest in the property; and, secondly, that the column of "value" does not prove the beneficial value?—Quite so.

419. Supposing that the law relating to the valuation list was so far amended that it was made the business of the overseers, or of the Assessment Committee, to ascertain really and truly who was the owner, and what was the nature of his tenure; that is to say, that they should take care to enter the correct name of the owner, and whether the tenure was freehold or copyhold, and whether it was subject to a long lease, and, if so, by whom held: supposing that the column of "owners" was corrected in that way, would you then have sufficient reliance on the column of "value" to use that as *primâ facie* evidence to entitle a person to a vote?—I should have no reliance whatever in the returns, because the information could only be obtained from the occupier; and the occupier really knows very little as to the interest of his landlord in the property, particularly in large towns and cities and populous districts. The occupiers know more of the interests and estates of persons in outlying districts, but in large towns and cities and populous parishes they know nothing, and such information would be as likely to be incorrect as correct. Then I should have a very great objection to leave it to the overseers, or to the clerks of unions, or to collectors to make such a return, acting as they frequently do under political bias; and when there is no possibility of visiting them with fine or punishment for what might be termed neglect of duty, you could not by any possibility show that the collectors had generally neglected their duty in not registering certain persons who ought to have been registered. Presuming that a return could be fairly obtained by that means, you would in no way improve the evidence of the "rateable value" column; the "rateable value" column would not give any further information as to the quantum of interest the owner had in the estate.

420. You have suggested that, on the 25th of June, the overseers should publish the notices to the public to send in their claims, and the annotated copy of the old register?—Yes.

421. Would you consider it dangerous that they should, at the same time, be directed to publish a list of the persons who in their opinion, judging from the rate-book, were entitled to be added as new voters, leaving it of course, as it is now, open to objection?—Yes, if the objector is to be liable to costs. The objection I have stated to that is the political bias under which the lists might be formed, and that it would give an advantage to the friends of overseers, or the party to which the overseer belonged, by furnishing such information as would lead to a more favourable registration in one interest than another. If you could ensure the overseer returning, without favour and under no influence whatever, the whole of the persons who were, according to the best of his judgment and belief, entitled to vote, then it might be brought into action by his making such a return to the Clerk of the Peace, and the Clerk of the Peace forwarding to each person a notice, setting forth that he had received such a communication, and that if the person were entitled to the franchise, he should return a proper Form of Claim, filled up. It might be worked in that way; but I should fear manner in which the lists would be formed by the overseers, knowing what influence can be brought to bear upon them in different parts of the country.

422. Do you find that the political bias of overseers operates very unfairly in the power which they now have of objecting?—No; because if they were to pursue anything like a vexatious or litigious course of proceeding, by objecting to a class of voters, the Revising Barrister would have power to fine them; but the Revising Barrister could not fine an overseer for not returning such persons as, in his judgment, were entitled to vote, because he would say, directly: "I really knew nothing of the rights of these persons. With regard to those whom I did return, I believed that they were *primâ facie* entitled to the franchise; but with regard to any whom I did not return, I did not return them because I was not certain, in my own mind, that they were entitled." The Revising Barrister could not very well fine him for such an omission; neither, I think, could it be shown to be systematically pursued by an overseer.

423. Occupiers of 10 *l.* value in boroughs are put upon the register from the rate-book, according to the rateable value which appears in the book?—Yes.

424. That is taken as an indication that the value of that property entitles the person to a vote?—Yes.

425. Is not the "rateable value" column in the case of counties as safe an indication as it is in the case of boroughs?—The franchise in boroughs is given specially to those who occupy, as tenants or owners, any house, warehouse, counting-house, shop, or other building of the clear yearly value of not less than 10 *l.*; it is also required that they should be rated, and that they should have paid the rates. The ingredients of a borough qualification are therefore occupation, either as tenant or as owner (it matters not which), being rated, the premises being of the annual value of 10 *l.*, and payment of the rates. Each ingredient of the borough qualification is proved *primâ facie* by the rate-book. The rate-book is proof of occupation; it matters not whether it be as tenant

or as owner. That the claimant is rated is also evidenced by the rate-book. The value is shown by the rate-book, and the payment of the rates is shown by the rate-book, so that the rate-book is *primâ facie* evidence of every ingredient of the qualification in the case of each person placed upon the list. But when we apply the same principle to the county franchise the result is very different.

426. Why is it that in the case of a borough voter the "rateable value" column is a sufficient indication of the value of his house to enable the overseer to put him on the list as a voter; and why is not that same 10 *l.* value a sufficient indication to enable the overseer to put the man on the list as an owner?—Because the essence of the borough franchise is the occupation of premises of the annual value of 10 *l.*

427. Of the clear yearly value, is it not?—Of the clear yearly value of not less than 10 *l.*; that is the borough franchise. But the county franchise requires the elector to possess a beneficial interest to the extent of not less than 10 *l.*; it is not that he is the freeholder of premises of the annual value of 10 *l.*, but that his interest therein is to the extent of 10 *l.* The estimated value of the premises is no indication of the beneficial interest the owner has in them.

428. Am I to understand you that, in the case of the 10 *l.* value necessary to give the owner a vote for the county, you enter into the question whether there is a 10 *l.* value clear of all possible charges?—Yes.

429. In the case of a borough voter, you do not enter into that question at all?—Not at all. The question is, What is the value of the premises irrespective of any charges, either upon the tenant or upon his landlord, in respect of them?

430. With regard to another class of voters, namely, those who vote in virtue of occupation, how far would it be possible for the overseer to judge from the valuation list that such persons were entitled to a county vote?—I have just explained why the rate-book is evidence, in the case of a borough, of the right of persons to be registered for the borough, viz., that it is *primâ facie* evidence of all the ingredients requisite to make up a borough qualification. But upon referring to the county qualification, it is not *primâ facie* evidence of any one ingredient. The county qualification, under the Chandos clause, is given to him who shall occupy, as tenant, any lands or tenements for which he shall be *bonâ fide* liable to a yearly rent of not less than 50 *l.* The ingredients of the qualification are, therefore, occupying as tenant, being *bonâ fide* liable to a single rent of not less than 50 *l.* The rate-book, if it is *primâ facie* evidence of anything, is *primâ facie* evidence only of occupation: it is not evidence of tenancy, nor is it evidence of the rent actually paid for the premises; it is also not evidence whether the rent be one single rent or several rents, and it must be one entire rent.

431. Taking those three objections which you have stated, I will take the last first. If it appears in the valuation list that the person holds under one owner, that is to say, that there is the name of an owner, and the name of the occupier, may you not assume that that owner is the person who receives the rent; is not that the presumption in the vast majority of instances?—It may be a presumption, but it is no evidence; it may be a presumption that every man who occupies, occupies either as owner or as tenant.

432. If he occupied as owner you would have the same name in the column of "occupier" and in the column of "owner"?—It might be so, or might not, because he might occupy as a lessee, not paying a rent of 50 *l.* That would not be evidence of the 50 *l.* qualification, because he would, in all probability, return as owner the freeholder; he would not return his own name as owner. If he were asked to return the owner of the premises he, being the lessee, would return the freeholder.

433. If the gross estimated rental in that column of the valuation list approached 50 *l.*, would not that be a pretty correct indication that the occupier's rent was 50 *l.*?—It would only be an indication that the premises were of the value of 50 *l.*, not that he paid 50 *l.* a year rent. There may be various reasons for the rent being considerably less. The annual value of premises is no criterion of the rent actually paid by the occupier.

434. It is not proof of the rent, but is it not a very good indication in the majority of instances?—To my mind, it is a very good indication that the premises ought to fetch that rent; but as to whether the then occupier pays or is *bonâ fide* liable to such a rent, I should say that it was no indication, bearing in mind that that is the very essence of the Chandos qualification.

435. In the vast majority of instances, if premises ought to fetch a certain rent, do they not fetch that rent?—They would certainly fetch such a rent.

436. May you not presume, in the vast majority of instances, that the tenant will pay, and that the owner will insist upon receiving, the rent which is the real value of the property?—No; not that the annual rent actually to be paid shall be the same as the annual value of the premises, because the property may be held, as is frequently the case, upon lease, for which a premium has been paid, some consideration money has been paid; or, as is very frequently the case, the premises have been taken at a low rent, and very greatly improved by the occupier. I have found a great number of cases where the premises have been taken at a rent of 20 *l.* or 30 *l.* a year, but by subsequent outlay they have been increased in value, or the situation of the property has been such that the property has increased rapidly in value; therefore the annual value of the premises may be considerably over 50 *l.* a year, but still the tenant does not pay 50 *l.*, nor is he *bonâ fide* liable to it.

437. There may be such cases; but, taking the somewhat analogous case in boroughs, an overseer in a borough finds a person set down at the rateable value of say 8 *l.*; he will probably take that as a presumption that the value of his house it 10 *l.*, and set him down as a voter?—Yes; that is the usual practice.

438. The 8 *l.* does not necessarily prove the 10 *l.* value; there may be reasons in a particular case which render it an unsafe indication, yet, on the whole, the presumption is sufficiently strong to enable that to be used as a means of registration. In the same way, in the case of these occupying voters in counties, if you find that the gross estimated rental is set down at 50 *l.*, does not it raise a pretty strong presumption that that is the rent really paid?—It raises no presumption, in my mind, that the occupier actually pays a rent of 50 *l.*; it is only a presumption that the premises ought to fetch 50 *l.* a-year rent; and if you apply

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it fully, you will see that, under such a principle, the whole of the occupiers in a particular district occupying premises of the annual value of 50*l.* would be registered as entitled under the Chandos clause, but upon investigation you would find that the greater number of them were either freeholders or copyholders or leaseholders, some not paying any rent whatever, and others paying a rent much lower than the estimated value of the premises. If the requirements of the Chandos clause had been only the occupation of premises of the annual value of 50*l.*, then you might register those persons, and correctly register them, but that is not the Chandos qualification.

439. It must be as tenant?—It must be as tenant; and there must be a liability to a single rent of 50*l.* The evidence which we require practically in court in the proof of a qualification under the Chandos clause is this: proof of occupation either by the overseer or by his rate-book, and proof of tenancy and the amount of rent paid by production of the receipts for the rent.

440. Mr. *Sclater-Booth.*] Under Lord Derby's Reform Bill it would have been more easy to have made the rate-book an index of the register, would it not?—It would have been so, for this reason, that the term "owner" was introduced as a part of the description given of the franchises; the persons were all described as owners. For instance, there was the following provision: "Freeholds of inheritance, who shall be beneficially entitled as owner or as mortgagee in possession at law or in equity to any estate of inheritance in lands or tenements of freehold tenure of the clear yearly value over and above all charges and incumbrances affecting the same of not less than 40*s.*"

441. The machinery of the Bill was so constructed that it made it more easy to collect the information from the rate-book; that was the intention?—Yes; but it left it to the overseers to place the names upon the list from any source of information whatever.

442. Mr. *Collins.*] I suppose that you may have partisan overseers in boroughs as well as in counties?—Yes.

443. The system in boroughs is now self-acting?—It is.

444. Partisan overseers might put on wrong names or omit right names?—No; they are compelled to take the rate-book; they can only place upon the list those who are upon the rate-book, and any omissions are at once seen.

445. But have you not constantly to claim in boroughs as well as in counties; are not names constantly omitted by the overseers?—Any name omitted by the overseers may be placed upon the list by the Revising Barrister, upon a notice of claim and proof of right.

446. Supposing a rate to be laid in October, the overseer, from his rate-book, has no evidence in a borough whether an occupier came in before the 31st of August, or after the 31st of August?—Not by the rate-book made in October, but he would from his previous rate-book.

447. How from a previous rate-book would he have any knowledge whether the man came in on the 31st of August or on the 31st of July, there being no rate laid until October?—He would have no evidence of it.

448. Then, in that case, he could exercise his partisanship without any possibility of censure from any knowledge which he would derive from his rate-book?—Unquestionably; that is to say, he might omit those names.

449. Or he might place them on?—Or he might place them on.

450. To remedy that, a person so left out has a power of claiming; or, in the case of a person being wrongfully put on, the other electors have the power of objecting to him?—Quite so.

451. Supposing that in counties you had a partisan overseer who placed a wrong man upon the list, or omitted a right man, might not there be the same power as in boroughs of correcting such sins of omission or commission, by objections or otherwise?—No, because in the boroughs the evidence of the rate-book would be a check upon the overseer in the performance of his duties; the rate-book would be evidence in the boroughs that the overseer had omitted to perform his duty, by leaving out of the List of Voters many names which ought to have been placed upon it; but in counties, where the rate-book cannot be made to apply, if it were left to the overseer to place upon the list the names of parties from any source of information without any limit, he might and would say, in all cases of complaint, that he had not the information necessary to enable him to place the names upon the list.

452. But I think you stated that in the case of a person holding by occupation on the 31st of August, and no rate being laid between May and October, the overseer, from his rate-book, would have no knowledge whether such a man ought or ought not to be placed upon the register?—Not wholly from the rate-book; he would have to bring his own knowledge to bear; such are exceptional cases.

453. And he might act as you suggest that he would act in the case of counties?—In the case of counties he might do so.

454. And also in the case of boroughs?—Yes. When I was speaking of the possible bias of overseers in making out county lists, I had not in my mind the possibility of the rate-book being made the test of the qualification. If the rate-book is to be made the test of a man's right to vote in the counties as well as in the boroughs, then, as a matter of course, the rate-book will equally be a check upon the overseer in the county as it is a check upon the overseer in the borough.

455. Do you think that the clerks of Assessment Committees would be likely to be partisans?—Undoubtedly; we know that clerks of unions are generally solicitors, and take an active part in election matters, and are frequently retained agents.

456. Is that the case with the clerks of Assessment Committees?—The clerks to Assessment Committees are generally the same as the clerks to the Union Boards; it is usually so, I think.

457. Viscount *Ingestre.*] You do not think that the valuation list under the Parochial Assessment Act might be sufficiently developed to secure the information which would place a county voter upon the register?—I am afraid not.

458. And you do not see any way of improving that valuation list, so as to get the information which is now got by the means of registration societies?—I am afraid not.

459. You use it now, to a certain extent, on either side?—We use it on either side in this way, that we seek out from the owners named in the list (though the information is very defective

tive in this respect) those who may have a county qualification.

460. But you could not get that information from the valuation list?—No, not as to the right to be registered.

461. Mr. *H. A. Bruce.*] You have spoken of the valuation list being imperfect; have you had much experience of valuation lists made under the Parochial Assessment Act?—Not practically; I only know from investigation and inquiry respecting them.

462. Have not the valuation lists been completed by Assessment Committees throughout the country?—I believe not.

463. Are not a great many now in progress?—I believe so; I cannot speak from any experience of that, because I am in no way professionally connected with the matter.

464. Are you sufficiently acquainted with the Parochial Assessment Act to know that the probable effect of that Act will be to secure much more accurate information as to the gross and the rateable property throughout the country?—Yes, I imagine that it will be. As to the gross estimated value and the rateable value of property I should think so.

465. The information in the valuation list will no longer depend upon what is supplied by the overseer, but will depend upon the care and attention bestowed upon it by the Assessment Committee?—Yes.

466. Would the objections which you have made to the overseer be applicable to the clerk of the Assessment Committee as a person to be employed to put the names of claimants for votes upon the register?—Yes, they would, unless there was some public document from which he was bound to take his information; which public document might be open to inspection by persons interested, so that the manner in which he performed his duties might be easily checked.

467. Would there be the same objection to him upon the score of political bias?—There would.

468. That is to say, a fixed officer acting under the orders of a number of gentlemen selected for their intelligence and knowledge, and without reference to party principles?—Does the Honourable Member mean that that officer should be entrusted to place upon the register, as entitled, all persons whom he conceived to be entitled?

469. Yes?—I think that that, in effect, would be entrusting him with the final decision of the rights of the electors, and that it would be a dangerous principle if it were left wholly to him to make out a list of those whom he conceived to be entitled to vote.

470. I understood you to state that you objected to the overseer, first of all, on account of the possibility of political bias?—Yes; unless the rate-book was strictly made the record from which he was to obtain the information, or if he were to be allowed to act on his own judgment.

471. You have the same objection to the clerk of the Assessment Committee upon the score of political bias as you have to the overseers?—Yes.

472. Taking property generally throughout the county, do you not think that in the very large majority of cases the rent paid is a very fair test of the value of the property?—I should first require information as to the holding, whether it was rent paid by yearly tenants. The rent paid by yearly tenants would be a fair criterion of the value of property; but if the property be held under lease, then I do not think that the rent reserved by that lease would necessarily be at all a criterion of the value of the premises.

473. Are not the rents, practically, in 19 cases out of 20 throughout the country accepted as the value?—Rents paid by yearly tenants, I should say, are in 19 cases out of 20 a fair criterion of the value of the premises.

474. Nobody, as I understand, has proposed that the claims founded merely upon the valuation list should be final; but am I to understand you to say that it is your opinion that even for the purposes of a *primâ facie* claim the valuation list would be insufficient?—Quite so. As I understand, it is proposed that the principle of registration in boroughs should be applied to counties. The borough list is designated a list of persons entitled to vote; and if you object and fail to strike a voter off the list, you are subjected to costs. If the same principle were applied in the counties with regard to the owners of properties, taking the names from the owner's column in the rate-book, you would be forming a list of as many not entitled, by reason of not possessing the franchise, as you would of those who really did possess the franchise; and if, following upon your failing to strike a man off, you were to suffer the penalty of costs, objections would not be taken, and the lists would be most imperfect; but the practical result throughout the kingdom would be that, instead of freeholders, leaseholders, and copyholders, who are now enfranchised, being registered, you would be registering a class of "owners" who might or might not be qualified electors.

475. Would not the great danger be that you would put on too many instead of too few?—No, I do not think that. I think that you would put on too few, for this reason, that there are less separate tenements or separate estates than there are persons entitled to the franchise; interests in properties are split up and divided, and the interests are more numerous than the separate estates, or separate houses, in respect of which only the returns would be made. There is one principle which I have omitted to mention on this matter, and it is very important that it should be mentioned, namely, that leaseholders of property in boroughs are not entitled to be registered for the county under the designation "owners;" no distinction would be made between a freeholder and a leaseholder in such cases. Where the property is situated within the boundaries of a Parliamentary borough, it is only the freeholder who can be registered, and not the leaseholder, although the term "owner" applies as well to the leaseholder as to the freeholder; so that, applying the principle to property within a borough, the term "owner" would include those who are now excluded by the Reform Act.

476. *Chairman.*] When you say that no leaseholder within a borough is entitled to vote, is not a leaseholder of land without any building entitled to vote?—Yes; that is an exception, if it be land only, and no building upon it; the principle being that the property shall not entitle the holder of the lease to a vote for the county, and the occupier to a vote for the borough. It is only in respect of a tenement or building that a vote is had for a borough; but if there be a piece of land without a building, then, as the owner or occupier would not be entitled to vote for the borough, it is provided that the leaseholder may vote for the county. Those however are, in practice, very exceptional cases.

477. Sir *Edward*

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477. Sir *Edward Colebrooke.*] Will you allow me to look at the Valuation Act? (*The Witness handed the same to the Honourable Member*). Your first difficulty with regard to owners is that the Valuation Committee do not generally come in contact with them?—Not with the owner of the property.

478. They take the occupier?—Yes.

479. Are there not a very large class of owners who are immediate occupants?—Yes.

480. And, in making out the valuation list, it would be easy to give their names as qualified to vote?—It would be easy for the overseers to inquire whether, being owners, they had such an interest as would entitle them to the franchise.

481. The overseers' object is to ascertain every occupant?—Quite so.

482. And it is the occupant only who is liable to the payment of the rates?—Excepting where houses are compounded for, and that appears to be the only reason why the owner's name is placed upon these lists. From the information I have received, I learn that the owners are not fully entered in these lists, as there is no object to be served by filling up the list, unless it be to rate the owners of small properties.

483. Where the owner is the occupant of his own land or house there would be no difficulty in ascertaining his qualification to vote?—No.

484. Out of the 40*s.* freeholders, would you say that the majority of them are not in that position?—I should say, certainly, that the majority are not in that position; that they are not in occupation of their own freeholds.

485. Have you any knowledge from which you can state the proportion?—No; but certainly the majority of freeholders do not occupy their own freeholds.

486. Your next difficulty with regard to the owner is that, where you get him, you cannot get what rates and charges he has to pay?—You cannot get what his interest is in the premises, whether it is sufficient to give the franchise.

487. Would there be any difficulty in calling upon him to give an account of any rents which he paid to a superior landlord?—An owner occupying his own freehold would not pay any rent.

488. Take the case of a person holding under a lease?—It is very probable that he would not like to give information to the overseer, and to state whether his property were mortgaged or not.

489. But as to whether there were any charges of another description, you think that there would be no objection to it?—I think not.

490. Have you ever seen the Valuation Act for Scotland?—No.

491. If you refer to it (*handing a document to the Witness*), you will observe that in one of the columns there are "feu dues"?—Yes.

492. That is a principle similar to that which we are speaking of, namely, superior charges, and which appear in the valuation roll?—Yes.

493. You would not have any doubt that there would be no practical difficulty in giving that information in your valuation roll?—Not from those occupiers who were owners.

494. But the difficulty would be as to mortgages, that that would not be a proper subject to inquire into?—No; I think that it would be considered an impertinence for the Assessing Committee to enquire whether the property was charged.

495. With regard to a 50*l.* tenant, you say that, as the valuation roll only shows value and not rent, there are many persons who have less value than their rent; or, that it is both ways; that some pay more rent than what appears in the valuation, and some pay less?—I should think that those who pay more must be the exception; I think that the general rule would be that the rent is taken as the valuation.

496. In the cases of those who pay less, are they not generally owners?—Yes; either owners as leaseholders, or as freeholders.

497. Then, their names would practically appear in the valuation roll as owners?—They might, or might not, because the term "owner" would embrace the freeholder, the copyholder, and the leaseholder; and if you called upon a freeholder in occupation of his premises, and asked him for the name of the owner, he would give you his own name; but if the person were a leaseholder, holding the house upon lease, he would not return his name as owner, he would return the freeholder as owner; but, presuming that he went out of occupation, and let the premises, and the overseer, or Assessing Committee, called upon the occupier for the owner's name, then he would give the name of his immediate landlord; that is to say, the leaseholder.

498. Your difficulty would be with regard to the title?—The franchise would entirely depend upon the title.

499. Supposing that in those cases the overseer, or the party who made the valuation, called upon the persons to describe themselves as to their title; you could not always rely upon that as giving a qualification to vote?—Certainly not. The only way in which I can see that that column of "owners" could be made valuable for registration would be, that the overseer should annually leave at the house, or send to every person described in the "owner" column, a form setting forth the several qualifications for a county vote, and stating that if he were entitled he could send in his claim; that is to say, giving him notice that if he were entitled he might make his claim.

500. As regards this valuation list, do you think that it would show a bare majority of those who are entitled to vote for the county?—I think that it would only show a bare majority.

501. As far as you have the means of forming an opinion?—I have the means of forming an opinion. I have seen many of these returns filled up. I have taken some little trouble to ascertain how it is practically worked out, and to see if it really could be done. The only mode in which it could be at all applicable is, I think, by a direction that the overseers should leave with, or send to, each party described as an owner, a notice with a Form of Claim, leaving it to the party so described as owner to make his claim if he thought fit, and then to subject that to *primâ facie* investigation.

502. Mr. *Evans.*] As a matter of fact do you suppose that it would be easiest to make the registration in counties self-acting with respect to those parties who would have a claim to vote as occupiers, or those who would have a claim under other franchises?—It would be, perhaps, easier to make it applicable to those who had a right as occupiers; but such a system would register all occupiers, no matter what their right to the franchise might be, whether it were under the

the Chandos Clause or not, or whether they had any right to registration at all.

503. In those counties with which you have been particularly acquainted, what kind of proportion have those who are qualified to vote as occupiers borne to those who are qualified to vote under other franchises; has it been a large proportion, or a small proportion?—I should think that of the 50 *l.* occupiers the larger proportion are those who are yearly tenants.

504. In those counties with which you are acquainted, what kind of proportion of the voters actually now on the register are occupiers, as compared with those who are on for other franchises; is it a large or a small proportion?—In the county of Middlesex we have 14,500 electors; about 11,500 are freeholders; about 1500 vote in respect of 50 *l.* occupations. For the whole of the kingdom the statistics in round numbers are these: There are 500,000 county electors; 330,000 are freeholders; 110,000 are 50 *l.* occupiers; 25,000 are leaseholders; 25,000 are occupiers, and the remainder, about 10,000, vote in re-respect of various rights, such as sextons, dissenting ministers, and others holding offices which are not recognised as direct qualifications.

505. Supposing that I had a lease of property in a county for 99 years, and that I sub-let it on a lease of 60 years to some other man, would he be qualified to vote?—Not unless he was in actual occupation of the premises.

506. He could only vote as an occupier?—He might vote as a leaseholder, but he must be in actual occupation; the original lessee would be entitled to vote, and the sub-lessee would be entitled to vote if he were in occupation, and only so.

507. *Chairman.*] In the case of a leaseholder for 60 years who sub-lets, the leaseholder has a vote, and the sub-lessee has a vote if he occupies?—Yes.

508. Has the owner of the property a third vote?—Yes, the freeholder has a vote.

509. There are three votes out of the property?—There may be three votes out of each holding: there may be the freeholder, the leaseholder, and the occupier, whether he be a sub-lessee or not, so that every holding may give three county votes if the circumstances permit.

510. You consider the difficulty of employing the valuation list, as an instrument for registering owners of the value of 10 *l.*, very great indeed; I presume that the difficulty of registering 40 *s.* freeholders (indicating by those persons voting in respect of property of less value than 10 *l.*) would be much greater still?—Yes, because, as a general rule, the overseers of parishes do not rate properties of 40 *s.* annual value, that is to say, small freeholds between 40 *s.* and 4 *l.*, held by persons at a distance; it is very rarely, in the generality of counties, that you find a 4 *l.* freeholder or a 40 *s.* freeholder rated, that is to say, that that is the full extent of the annual value of the land.

511. And in the case of a 40 *s.* freeholder, unless he also occupies, the question arises whether he is the owner in fee, or whether he has acquired the property by marriage, or by devise, or by a variety of other titles?—Yes; as a 40 *s.* freeholder you would be led to question whether he really had the right to vote, by reason of the smallness of the property, and whether it had not been purchased through a Land Society, or a Building Society, or a Friendly Society of some kind, and whether the weekly or monthly payments to the society did not operate as a charge upon the estate, and so reduce the value, if only by one penny, below the 40 *s.* I think that, as a general rule, the parishes do not rate those very small properties, unless the owners are in occupation, and have the land adjoining tenements, which they may also occupy. It may happen that a person occupying premises worth 10 *l.* a year, may have a small plot of freehold land immediately adjoining, and the overseers might rate his freehold land with his building.

512. Mr. *Walter.*] What class of qualifications does the greater part of the disputed claims consist of; are they chiefly these small freeholds, or what?—I think chiefly freeholds. The registration of freeholders is so much out of proportion to other qualifications that the investigations are principally respecting freeholds. The leaseholds are, perhaps, the most difficult of all the qualifications to prove in court.

513. Do you mean a leaseholder under the Chandos Clause?—No, not a leasehold under the Chandos clause, but a leaseholder of either of the terms required by the Reform Act. If the voter attend, unless he be an intelligent man, he does not understand the nature of the right under which he holds; he does not know much about the lease; as you are perfectly aware, a clause in the lease may alter the nature of the lease as to shorten the term; supposing the whole term of an original lease had not been assigned, the holder of the assignment would have only a sub-lease. Until the question came before the Revising Barrister's Court, it might never have occurred to the man's mind whether he had a 99 years' lease, or whether he had a 95 years' lease, wanting one quarter; but the franchise would entirely depend upon that little matter, namely, whether he had an assignment of the whole term, or only a portion of the term. Thus there is great difficulty in proving the leasehold qualifications; but the more frequent discussions arise upon the freehold franchise, as to the interest taken in the estate. Of course these do not arise so frequently where persons hold well-known properties and large estates.

514. It applies chiefly to the very small freeholds?—It chiefly applies to small freeholds, and questions whether the estate is held upon trust only, or for the benefit of another, or what charges there may be thereon.

515. *Chairman.*] At present, I believe, neither a claimant nor an objector has power to summon witnesses to attend the Revising Barrister's Court?—He has not.

516. Would there be any advantage in giving that power?—In the first amended Registration Bill, introduced by Lord John Russell in 1835, a clause to enable the Revising Barrister to summon witnesses was inserted. That clause gave power to the Revising Barrister to fine any person not obeying his summons 5 *l.*; but, upon discussion, it was struck out of that Bill, and was never re-introduced in any of the very many Registration Bills subsequently laid before the House.

517. In your opinion would that be a desirable provision to introduce?—The question has been one of some doubt whether such a power is of any service. If you merely give to a barrister power to summon a witness without giving him power to fine, the power is useless, because the witness would not obey the summons unless he was willing to attend on the part of the person who summoned him; if he is willing to attend on

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the part of the person who summons him there is no need for the summons. With regard to the question, whether it be desirable to give the Revising Barrister power to fine a man for non-attendance, I think that it would lead to much abuse, by parties summoning persons to the Barrister's Court for some improper end, either for the purpose of annoyance or otherwise. If you require the person summoning a witness to deposit with the Revising Barrister a fair amount for his expenses before the summons is issued, then it might be an advantage, and this would be a protection to the person summoned.

518. On the whole you do not think that there is any very strong necessity for such a clause?—Practically, we have never felt the difficulty. If an objector desired the attendance of a witness, that witness has attended voluntarily, and, I think, that it would be dangerous to give the barrister power to summon a man, and then to fine him because he did not attend. We know the inconvenience witnesses experience when subpœnaed to attend the superior courts of law, but it would be very much greater at these petty courts.

519. The evidence before the Revising Barrister is not given upon oath, I believe?—It is required to be given upon oath, but practically the oath is not put unless there is some substantial reason for pressing it. The Revising Barrister has power to take all evidence on oath.

520. Have you ever considered whether there would be any advantage or economy in making the County Court Judges the revisers, instead of barristers appointed for the purpose?—I do not think there would be any advantage in so doing. They have already a mass of business before them, and it would be questionable whether they could well devote the time necessary fairly to revise the register at the period of the year required. I have not given sufficient thought to such a proposition to be able to express any decided opinion upon it.

521. In reply to the Honourable Member for Berkshire, when you were last before the Committee, you made some observations with respect to the practice of objecting to all new claims in Middlesex; have you any further observations to make on that subject?—Yes; there were a few questions which the Honourable Member was good enough to put to me with reference to the practice in the county of Middlesex of objecting to new claims. I do not think that my answers were as clear as they might have been, and I think that they failed to convey my meaning.

522. Mr. *Walter.*] Was it with reference to the point which you raised as to the right to object to every claimant's vote, and to call upon every new claimant to prove his title to vote?—Yes; and my opinion as to the hardship of such a proceeding. That is what I desired to call attention to, and to explain the practice in Middlesex clearly, because it is a point of some importance in this inquiry. The Registration Act first introduced the power of awarding costs to persons objected to.

523. What Act was that?—The present Act; the 6 Vict. c. 18. That Act first introduced the power to award costs. The revision of the lists for the first year the Act came into operation for the county of Middlesex, I believe I am correct in stating, was conducted by the Right Honourable Mr. Spencer Walpole. The question of awarding costs came before him and was well considered; and he laid down the principle that every new claimant ought to prove his right, or to give substantial evidence of his right before registration, and therefore he should not award costs. Subsequently a Select Committee of this House, namely, the Committee on the Votes of Electors in the year 1846, reported, in effect, that no costs ought to be given to new claimants under the Registration Act. Acting upon these opinions, the barristers who have been appointed for the county of Middlesex have always followed the practice; that claimants should give some evidence of the right in respect of which they claim, and that they would not give costs to new claimants unless it was shown to be a litigious or vexatious proceeding on the part of the objector by compelling the voter to attend the court when he had offered to do all in his power to assure the objector of the correctness of his claim. I may state that the difficulty of investigating a large number of claims is very great. In distant counties, where estates and interests are well understood and known, the population scattered, and there is no difficulty in making investigations into the rights of the several claimants, the principle would appear to act very harshly, and I should certainly be of opinion that if it were pressed upon a man who was well known to hold a qualification it would be a very great hardship, but in the Metropolian county, in the home districts generally, and in large towns the interests held in properties are not publicly known. We have, between the 10th of August and the 25th of August, or practically the 23rd, to make an investigation into the rights of some 2,000 or 3,000 claimants. Registration societies and political agents, of course, have political interests to defend, and do not act only for the purpose of registering all persons entitled, whatever may be the politics of the parties, or for the purpose of correcting the register, whatever may be the politics of the voter. The electors themselves take no part whatever in registration, the consequence is, that the rights of the parties have to be investigated by the registration societies, and they must protect themselves from anything likely to occur that might injure their interests. The course adopted is therefore for each side to serve a notice upon all those who are not known to be friendly to them, and in doing so several claimants do escape, as both sides mistake their politics. The form of the notice is the only form that the act recognises, and although it goes to this effect, "I hereby give you notice that I object to your name being registered," the intention is only "I require some evidence or statement from you that the claim is *bonâ fide*, and that I may further investigate it." The mode in which these objections are dealt with by the Revising Barrister, and by the agents is this, upon receiving a communication, either from the elector, or from the opposing agent submitting evidence, or making such a communication as to satisfy the mind of the objector that the claim is *bonâ fide*, and that the right is possessed by the claimant, he immediately withdraws the objection, and the party is not in any way inconvenienced. Should the Revising Barrister, in his opinion, consider that the claimant has been hardly used by the objector, and that the objection was not withdrawn upon correctness of the claim being shown and established, he would fine the objector, and he has done so in several instances. Perhaps in illustration of this I may read

read a letter to the editor of the "Times," signed by "A Field Officer and County Magistrate," and there is a very great deal of good reason in this short letter. He says, "Sir, Your leading article on the subject of the registration proceedings should be written in letters of gold. I happen to be a country gentleman, with a large and scattered property. Among other votes I possess are those for the counties of Middlesex, Surrey, and Berks. In each my property is far beyond a qualification, and freehold, and perfectly undoubted; yet, for each, my vote has been disputed, and as often the objection withdrawn. I have just, however, got my annual solicitor's 'little bill,' in which I find the following items; for *what*? simply for defending what I have a right to without question, but the objections to which, I am told, I cannot recover costs for, because they are *first* objections. Surely this cannot be law or justice?" The bill is as follows: "Having received notice from A. T., Esq., the agent from the Middlesex Reform Association, waiting upon him, &c., 3*s*. 6*d*.; ditto, writing him reply, &c., 3*s*. 6*d*.; ditto, receiving a letter from A. T., Esq., withdrawing his objection, 3*s*. 6*d*.; writing to you thereon, 3*s*. 6*d*. This repeated three times on no pretence whatever, except that country gentlemen are likely men enough not to care for the franchise, and not to take steps accordingly, is really too bad. Your obedient servant, A Field Officer and County Magistrate." You see that upon the receipt of the notice of objection this gentleman applies to his solicitor, and his solicitor charges him for that which he has done; but had the gentleman written to the objector or to the agent on either side, the objection would equally have been withdrawn, because we should then have had the knowledge that the claim was *bonâ fide*, and that it was put forward *bonâ fide*. Several instances in the same way occured during the revision which I might advance to show what is the practice.

524. *Chairman.*] That objection would have been withdrawn; but it would only have been withdrawn as a matter of courtesy?—No; we should have withdrawn it as a matter of practice, had I not withdrawn the objection when it was shown that it was a *bonâ fide* claim. That is to say, that such a communication had been made which should have been taken as *primâ facie* evidence of the right, unless I had a substantial objection, in coming before the Revising Barrister I should have been fined.

525. Mr. *Walter.*] When Mr. Walpole delivered the dictum as to not giving costs in the first instance, was it the practice then as now for the two parties in the county of Middlesex to to make wholesale objections to every new claimant?—At the commencement it was so; subsequently the objections were not taken, not because the principle would not have been acted upon, but because the societies had not funds.

526. Do you recollect what year that was in?—In the year 1843 or 1844.

527. Would not the effect of such a dictum being laid down by Mr. Walpole be very much to increase the number of objections, and put claimants to the expense and trouble of defending their votes?—Of course it would have the effect of increasing the number, because an objector would know that he might object to the new claims.

528. In fact, as soon as it was clearly laid down that no costs would be allowed in the case of first objections, did not the practice of making these wholesale objections every year increase?—No; I do not think that the practice of making wholesale objections arose from that cause only or mainly. I think that the practice of making wholesale objections, which did not exist under the Reform Act, was in consequence of the facility given for serving notices of objection. Under the Reform Act the objector had to prove in court the service of his notice by a server, which was a most expensive process; but, under the operation of the Registration Act, all that an objector has to do is to make out two notices, an original and a duplicate, and to go to the postmaster and pay the postage and the fee for registration; the production of the stamped notice in court is conclusive evidence of service. That, I think, is the immediate cause of a vast number of objections being served. The principle adopted is this, in large constituencies it is utterly impossible for societies or particular individuals, having a mass of claims before them, to investigate them or to ascertain anything about them as to whether they are valid or not, and, therefore, as the time is so short, and political interests have to be secured, the safer way is to serve a notice of objection and then to withdraw each one as soon as *primâ facie* evidence of the right of the party claiming is submitted. It should be borne in mind that such a notice is not intended as a notice offensively to the party, but that the Act gives no other mode by which an investigation can be made; further that every person who is entered upon the list of new claims becomes an elector without any enquiry unless he be so objected to. It would not be at all difficult or impracticable for an agent with sufficient funds in the course of two or three years to unseat any Member who represents a county by the registration of persons not necessarily in respect of fictitious or fraudulent qualifications, but in respect of qualifications which are not recognised by the statute. In South Lancashire I believe that claims are made by many thousands every year by persons who conceive that the Legislature is keeping them out of their rights; that 20 *l*. occupiers ought to be entitled to vote, and that, as the law does not give them the franchise, they will take it by any means the law will give them. Now, although we do not have this carried out to the same extent in Middlesex as it is in the northern counties, we do have it carried out to a very great extent by claims every year upon the list from parties of whom the agents know nothing, and their limited means of investigation give them no further information, in respect of small occupations in respect of leaseholds and other property. No duty is more difficult than that of enquiring into the validity of new claims. For instance, a gentleman may own the fee-simple of a large warehouse in Cannon-street, it may be the ground-rent only; he resides at a distance; we know nothing whatever of him personally, and we have to ascertain whether he is entitled in respect of this property in Cannon-street. The only information is that afforded by the name, address, and particulars in the list. We do not know from the name and address what position he may occupy, or who he may be. It may be that he is a man of standing and position who would not do a wrong act, or it may be some one who would. Of course, the name and address give us no information. If we were to proceed to the property in Cannon-street we should obtain not

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not the slightest information; the occupiers would refer us, perhaps, to some agents or solicitors. Upon going to the solicitors they would question very much the propriety of the inquiries made as to the owner of the property; but, finally, should they be willing to give us any information they would in all probability give us the name of a leaseholder. We should say, "Can you tell us the freeholder?" The reply would very likely be "No, we know nothing at all about the freeholder; it is a property which has been held for many, many years; and, as you may see by the mass of deeds, it has been dealt with in this way and in that way, so that we really know nothing at all about the interest of the freeholder." We should ask, "Do you know such and such a person who has claimed?" In all probability they would say, "We have no knowledge whatever of him." When we are dealing with some 2,000 or 3,000 claims, it is utterly impossible and impracticable to prosecute an investigation so as to arrive at any satisfactory conclusion whether each claim is a proper one or not; the notices are therefore served, which places parties acting politically in such a position that neither shall be worsted by their opponents objecting to the whole of their claims, and they having no objections against their opponents, we then withdraw the objection to every claim that appears to be substantial and correct as it comes forward. What has been the practice on my side has equally been the practice on my opponent's side. I read just now a letter from a correspondent to the "Times," when he was complaining of an objection by the Liberals. Here is a similar case on an objection by the Conservatives.—"Spencer Smith, of 204, High Holborn, claimed in respect of a freehold house and land, Prospect House, East End, Finchley." No doubt it would have been more easy in that case to have investigated his title had there not been a general principal. He was objected to by the Conservatives, and proved his right to be on the list. He was, however, a new claimant. The claimant then applied for his costs. The *Barrister:* 'It is a new claim.' The *Claimant:* 'I think it shameful that men should be dragged out of their business by this kind of objections. They are mere 'tittle-tattle' nonsense.' Mr. *Smith's Clerk:* 'We have a right to call upon you to prove that you are entitled to vote, you being a new claimant; nevertheless, we had no desire to bring you here. You might have avoided the inconvenience had you written to Mr. Smith, the objector, and shown him that you had a good qualification. We are always willing to withdraw our objections on the receipt of such information from the claimant.' The *Claimant:* 'Did you not receive that information from the Liberal Registration Society?' Mr. *Smith's Clerk.* 'No.' Mr. *Albert James:* 'Of course it would not do for the two societies to take upon themselves the revision of the lists. That would be the result if they had only to assert the one to the other that the persons objected to had a qualification. Mr. Smith would, no doubt, have sufficient confidence in him to take his word, and did so in many cases; but it could not be carried to the extent the claimant wished.' Mr. *Beals:* 'It would lead to serious abuse. I could never sanction it. I give costs in all cases were persons are unnecessarily brought forward, but it is not too much to call on new claimants to prove their rights.'" Then, at the close of the revision, Mr. Beales, the Revising Barrister, than whom there is no man more desirous of protecting the rights of the electors, made this remark, he said, "with regard to the course taken in calling on new claimants to prove their claims it seemed a fair one, and he believed that the best proof that it had acted most unobjectionably was, that there had been but three applications for costs." That was three applications for costs during the whole of the revision when there had been notice served upon at least 2,000 new claimants. Every claim had been investigated, and the least possible trouble given to the parties who had claimed.

529. Practically, has any elector, however well and duly qualified, the least security that his vote may not be objected to in after years?—Under the present system none whatever, but the 20 *s.* costs. There is nothing whatever to protect a *bonâ fide* elector from being objected to in the following year, and we find practically this arises, that an objection is taken founded upon a misdescription in the register, and the elector appears before the court, proves his right, and the barrister retains his name, making some trivial alteration. The following year the same elector is brought before the Revising Barrister;—he asks, "What is your objection?" The objector is perhaps a new objector; he is not aware of that which had taken place in the year before, and he refers to some error of description in the list. "Well," says the Revising Barrister, "the gentleman was here last year, and all misdescriptions ought to have been corrected?" "Yes, but that must have been his laches, and not the laches of the person who is now investigating the case." A second amendment of the register is thereupon pointed out as being absolutely necessary.

530. *Chairman.*] And it may go on in that way from year to year?—Yes, because there is no official careful revision or protection of the register.

531. That class of objection would be obviated by the system of official correction of the register which you propose?—Yes; there is one remark I wish to make with respect to that matter. In giving my answers on Friday last to certain questions, categorically referring to the defects existing, I stated that I thought that the right to object ought to be confined to two questions, namely, whether the voter was personally disqualified, and whether he had or had not a qualification. I wish it to be distinctly understood that that suggestion is in connection with another, namely, that there should be some certain means introduced of keeping the register accurate and corrected as to descriptions and particulars therein, without which it would be impossible to carry the principle out.

532. I think that you wish to make some observations as to an answer which you gave to the Honourable Member with respect to a question regarding the general revision of polling districts?—That was as to the desirability of a general revision of polling districts. I wished to say that the suggestion applied more particularly to another suggestion, namely, that the lists should be so formed that every elector would poll at the polling-place for the district in which he resided.

533. Mr. *Wynn.*] In answer to Mr. Walter you said that it was the general practice as you believed for the principal portion of the objections to be brought by the rival associations?—Yes.

534. Are you aware of many cases in which the

the electors entirely repudiate that organization, saying that they know nothing about the societies, and apply for costs for being brought to the court in spite of the arrangement which exists between the two societies?—Of course any arrangement between two societies cannot bind the electors in any way whatever. What I desire to convey to the Committee was that the electors themselves to whom the whole business of registration and investigation into the accuracy of the register is left, entirely and systematically neglect it, the consequence is that it falls into the hands of the societies which have political interests to defend, but as to any principle upon which they may act in executing their duties, it in no way binds the electors, or interferes with their rights with respect to costs.

535. You know probably that a large majority of the Revising Barristers hold that where an objection is not proved, although the elector has received notice of objection, and is brought to the court, they have no power to award costs?—I know that many Revising Barristers hold that opinion, but that is not the practice in the county of Middlesex, and it is not the practice of many of the Revising Barristers.

536. Had you any connection with the registration of the county of Middlesex in the year 1850, in the latter part of September of that year?—Certainly; I was connected directly or indirectly with it.

537. Do you remember Mr. Shadwell regretting very much indeed that he had no power at all to award costs in a large number of cases in which objectors did not proceed with their objections?—Yes. The late Mr. Shadwell paid some attention to the abuse of the law, and, in fact, just before his death, he said that the abuses were such that he would make it his duty to bring the matter before the House. I do not remember the particular instance to which the Honourable Member refers. Such a case was of frequent occurrence where a notice was served upon an elector, and the objector did not proceed with it —that is to say, he did not prove service, and it was contended that the Revising Barrister had no power to award costs to the claimant or voter until he was satisfied that the objection was groundless, frivolous, and vexatious; but as the ground of the objection was not brought before him, he could not determine that it was so.

538. That was the ground of the decision?—Yes.

539. But you are aware that that opinion was held by a very very large number of Revising Barristers?—Yes, and in some northern counties it acted very prejudically to the interests of the electors.

540. *Chairman.*] I think that you wish to make an observation with respect to a question which Mr. Longfield put to you as to the number of fictitious voters on the county register?—The Honourable Member for Mallow asked me two questions, namely, whether I could give the Committee any estimate as to the number of fictitious voters now to be found upon the county registers; and then, whether I could give the number of fictitious voters sold, gone away, and so forth, to be found upon the Middlesex register. My answer to the first question was that I could not say whether there were one or 100 upon the county registers; and, to the second question, that I thought there might be as many as 1,500 on the register of the county of Middlesex. But that arose from a different interpretation being put upon the word "fictitious," as the question was put by the Honourable Member to me, from the interpretation I put upon the word in giving the answer. If by "fictitious" is meant a totally unreal qualification, a myth, and something totally fraudulent, then I cannot possibly give any indication as to the number of such there may be upon the registers; but if the term is to include all persons now upon the register who are there in respect of imperfect qualifications, or qualifications since parted with, and ought not to be there, then I should say, with regard to the counties generally, from the investigation I have made, that where there are no acting registration societies, and no active agency, the proportion is about from 10 to 20 per cent. of the whole number of the electors registered; but that where there are registration societies, or an active agency, then the per centage is about 5 to 15 per cent. In the county of Middlesex I should say that there are about 10 per cent., or about 1,400 out of a constituency of 14,500, who are now registered, who ought not to be upon that register; the proportion, of course, varying with the funds and the ability the registration societies have to accomplish the work of correction of large or small registers.

541. Mr. *Hunt.*] You have said that you think it better that Revising Barristers should be of longer standing at the bar, and that you would thereby get better decisions; I understood you to find fault with the present appointments; that very young barristers were allowed to revise, and that you thought that their decisions would be entitled to more weight if you had persons appointed of older standing at the bar?—That they would better perform the general duties.

542. That is rather an attack upon the Revising Barristers?—No; I beg it to be distinctly understood that I have not made any such attack.

543. You stated also, that there were only about eight or nine appeals annually from the whole body of Revising Barristers in England and Wales?—The total number which I intended to give was this: since 1843 there have been 200 appeals decided by the court—that is, in 20 years—that would be an average of about 10 each year.

544. Is not that from 84 Revising Barristers —Yes.

545. Would not so small a number of appeals rather show that the persons who come to the court were generally satisfied with the decisions of the Revising Barristers?—Upon all points of law, there is no question that the general decisions of the Revising Barristers, since many points have been settled by the decisions in the appeal cases, are satisfactory, but the mode in which the business is sometimes conducted, and want of the power in the younger Revising Barristers to command obedience and attention in courts, are their not so. With regard to the ability to carry out the mere act of revision, I think that they are fully competent to deal with it.

546. With regard to enforcing order in their courts, do you conceive that the Revising Barristers have any power to fine or imprison persons who refuse obedience to their orders in their courts?—Certainly not.

547. Supposing that either an advocate or a witness in their courts refuses to sit down when told to keep silence in court, what power have they of enforcing order?—They have no power whatever to enforce order, that is, they have no special

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special powers given them by the Act by which they can do so. We frequently find that disturbances take place in the courts.

548. Do you think it desirable that they should have such power?—No, not power to fine or imprison persons. There is no question that they should be able to maintain order in their courts.

549. What power has a judge of enforcing order in his court: is it not by committing for contempt of court?—Undoubtedly.

550. What other power could you give a Revising Barrister?—I do not know. Practically we find that if anything like a disturbance is probable, the presence of a police constable is all that is necessary to maintain order, and his attendance can always be obtained; but to invest Revising Barristers with the power of committing a man, as the superior judges have, for contempt of court, would be a very dangerous enactment in my humble opinion.

551. You would not like to entrust them with that power?—Personally, I should not like to entrust them with that power.

552. *Chairman.*] The Revising Barrister has always the power of adjourning the court, has he not?—Yes; that is the only power he has.

553. The appeals from the Revising Barristers can only be made on points of law, and not upon points of fact?—Yes, only on points of law.

554. That would account, in a great measure, for the small number of appeals?—Yes; and the first hundred decisions given by the Court of Common Pleas ruled the general practice; it is, perhaps, in consequence of the first hundred decisions that there has been any uniformity of practice at all in the Revising Barristers' courts.

555. Mr. *Hunt.*] Is not the power of adjournment practically useless in results, because the barrister, unless at the very end of his circuit, has fixed another court at another place for the next day?—If he has left the arrangement of his sittings until the latter end of the period allowed by the law for the revision of the lists, it will be so; but in the county of Middlesex the court has frequently been adjourned when a disturbance was likely to take place, but generally that is to the inconvenience of the electors and not to the inconvenience of the barristers.

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556. *Chairman.*] I believe that you have been concerned for several years as a registration agent in Middlesex?—In Middlesex for about four or five years.

557. Have you had experience of other counties?—I have been connected with the counties of Buckingham, Oxford, East Kent, East Sussex, Berkshire, North Yorkshire, South Wilts, and, more or less, with all the other counties in England, and I have been in constant communication with the registration agents of other counties.

568. Have you been connected with those different counties as a central agent?—Not the whole of them. I have been connected with Buckinghamshire, Oxfordshire, and East Kent as the principal agent; but I have been in communication with the others, as well as nearly all the other counties in England.

559. You have acted as a local agent?—Yes; in those counties.

560. In Middlesex I believe you act on the opposite side to Mr. James?—I do; on the Conservative side.

561. You heard Mr. James's statement last Friday with reference to the evils which arise from the present system of registration. Do you concur in his views as to those evils?—I do not go to the extent that Mr. James does. The present system is, in my mind, as good a one as can be adopted. That improvements may be made without disturbing the organisation of the system there can be no doubt. I take it that the essence of registration is to afford every possible facility to the voter to get on the register and to give him every possible protection against annoyance when he is on.

562. Do you agree with Mr. James in his view as to the evils of the existing system? I understand your answer to go to the extent that you do not concur with him in all the remedies which he suggested?—No.

563. But do you agree with him as to the evils of the present system?—I did not distinctly understand from him what the evils were. He spoke of the facility for unqualified persons to become registered; that was the first evil, I think, which he mentioned.

564. Mr. James said that one of the first evils was, that "The law utterly fails in the production of useful and accurate registers, and that the registers formed under it do not fairly represent the county constituencies; that the system leaves the work of registration and the correction of the register to the whole body of electors, and, as a consequence, it is entirely dependent upon the action of political associations or of party agents; that the requirements of the system engenders much illfeeling and party rancour in its operation. Do you agree with that as a general statement?—Undoubtedly that will always exist under any circumstances. The correctness of the register will be more or less left under any circumstances to the persons who are interested in such correctness. It appears to me that what Mr. James suggested was that there should be some official body through whom the whole of the preliminaries for the formation of the register should go. I do not myself consider that there could be a better official arrangement than that now existing subject to some little improvement with regard to that arrangement.

565. You do not consider that if, by some such plan as Mr. James proposes, less were left to the action of opposing political societies, there would be less of that animosity and illfeeling engendered to which he refers?—I do not think that there would be more correctness if that is what is required.

566. But would the same degree of correctness be attained with a less amount of rancour and illfeeling?—I think not. I think that the political societies would be equally necessary for the purpose of keeping the register correct under Mr. James's suggestion as now.

567. The existence of political societies would be necessary?—Yes.

568. But they would not be called into active operation

operation at so many points as they are now, would there not, therefore, be less contention, and consequently less animosity?—I think not. I do not think that the operations of the societies would be at all lessened by the suggested alteration in the process.

569. You think that the societies would be as necessary, and that political feeling would run as high as it does now?—I think so.

570. As to the great facility which now exists for unqualified persons being registered, do you agree with Mr. James that that is a substantial evil?—In large constituencies it is so no doubt. I consider that the principal information which Mr. James gave to the Committee was from his experience in the large constituency of Middlesex, which is not applicable to a great number of the smaller constituencies.

571. Then you consider that the present system does not give great facility for unqualified persons to become registered in smaller county constituencies?—Not so great of course as in larger ones. The overseers of a parish in the smaller districts know the property of their neighbours more extensively than they can possibly be expected to do in larger ones, and it would be perfectly impracticable for parties in smaller districts, having no property, to become county voters.

572. That would be the case in purely agricultural districts?—Yes, it does not apply to large districts like Middlesex, because in the large districts, such as Bethnal-green, Mile-end, and those populous districts, it is impossible, either by overseers, or otherwise, or by the substituted arrangement which Mr. James suggests, or by the present system to prevent, excepting through the intervention of Political Associations, the introduction of fictitious votes, and unqualified persons upon the register.

573. Then as regards populous counties, you have no remedy to suggest for the evil arising from the facility for unqualified persons being registered other than that which is furnished by the action of political societies?—Other than that which now exists, and I consider that the persons who have the protection and the management of the register in those particular parishes, namely, vestry clerks, are the best persons locally by whom the duty can be performed. For the Clerk of the Peace of the county of Middlesex, or even the overseers of the parishes, to be supposed to have within their knowledge that which can be supplied by the vestry clerk of that district, appears to me to be unreasonable.

574. In large parishes the vestry clerk is the man who does the work now?—He is; and I think that the business is now so well understood by overseers in rural districts, and by vestry clerks in large parishes, that unless some manifest and material improvement is to be suggested, it would be most unwise to interfere with the system.

575. You think that nothing would be gained by making the Clerk of the Peace, through the vestry clerks and overseers, the instrument for correcting the register?—Nothing whatever. I think that there are certain portions of the duty of the Clerk of the Peace which may be improved, and particularly that which devolves upon him under the 3d section of the Registration Act, where he is directed, on or before the 10th day of June in every year, to make and cause to be delivered to the overseers of the poor, his precept, together with a sufficient number of the forms of notices and lists; I consider that it would be an improvement if that were extended to such a number of the copies of the existing register as to prevent the necessity of the overseer interfering with it afterwards for his publication, because I consider that the Clerk of the Peace is the official who is responsible for the correctness of the register, and it is a fault in the Registration Act, that the overseers have anything whatever to do with that portion of the List of Voters which emanates from the Clerk of the Peace's office. Only last year, it was brought within my experience that a liberal political agent was in communication not only with the the overseers of the counties wherein he was politically engaged, but also in the County of Middlesex, volunteering to the overseers and canvassing for employment from the overseers for him to make out these lists, and charging them a certain sum. If the distrust which Mr. James has, not only towards overseers but towards the assessment clerks, be justified, surely the distrust of a political agent, or of the opportunity which a political agent has for dealing with these lists after they have come from the Clerk of the Peace, must be much greater; and, consequently, it deserves a remedy, which remedy could be easily effected under the existing machinery.

576. What opportunity has he for dealing with these things, what is sent by the Clerk of the Peace to the overseer is a copy of the old register so far as regards his parish?—Just so.

577. What further power has he of dealing with that?—He has only one sent to him by the Clerk of the Peace, but by the precept which he receives from the Clerk of the Peace he is directed to have copies of that portion of the register printed. He may print them, and he must be responsible even for the errors of printers, to say nothing about a corrupt opportunity. We have repeatedly found that all the grounds of objection which may be made in consequence of errors in the 1st, 2d, and 4th columns, have, nine times out of ten, arisen from the bad printing and from the mistakes made after the register goes from the Clerk of the Peace to the overseers.

578. Therefore, you would suggest, in order to avoid the list being tampered with or errors arising in it from negligence, that the Clerk of the Peace should send a sufficient number of lists for publication from his office to the overseer?—I should, both on the ground of correctness and economy, and I think that there would be a very marked improvement in the present system.

579. Mr. James has stated as an evil the absence of any provision requiring *primâ facie* evidence of the right of a claimant, except under notice of objection, before registration. Do you think that an evil?—I consider that anything which should operate against the facility which a claimant has in now sending in his claim, would be a great evil rather than a benefit. The difficulty which we have now, is to induce persons to send in their claims; that difficulty would be considerably enhanced, if it were necessary that the voter should send in his *primâ facie* evidence, or his declaration, in the first instance. He would rather lose his vote, and you could not get him to do it under any circumstances; whereas, if he is to give confirmatory evidence, or *primâ facie* evidence, after an objection, the voter says: "I will do what I can to maintain

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that which belongs to me;" but he would not voluntarily place himself in the position of trouble which the suggestion would undoubtedly entail upon him.

580. Mr. James's third evil is "the want of provision for independent aid and guidance, under which duly-qualified electors may be properly and accurately registered?"—I think that that is sufficient now, for this reason: I start first of all with the principle, that if a vote is not worth the trouble of registering for, and claiming for, you can scarcely consider that it would be worth the trouble of that person exercising his vote by going to the poll. If it is not worth the trouble, and if it is not worth having, then the person would never exercise it if he had got it, or very seldom.

581. Would you propose to give a voter, after he was on the register, any further protection than he has now from being objected to?—Yes, I would; it would be in the form of the notice of objection itself. We have all known practically, or most gentlemen who have taken an interest in the parochial duties, as well as at Quarter Sessions, have known that there was a very great improvement made with regard to notices of appeal in settlement cases. There are four grounds of objection: First of all, whether the voter is properly named upon the register; secondly, whether his place of abode is right; thirdly, whether the nature of the qualification is right; and fourthly, whether the description of it is right. I would make the person objecting state in his notice of objection the ground of his objection.

582. Would you make him state generally against which column the attack was directed, or would you make him specify more particularly the point in each column?—If you state the column I think that that contains the point. For instance, he would say, "Your name is not correctly spelt." Upon the third column, namely, the nature of the qualification, it must be simply stating, "you are unqualified."

583. Would you make him state whether he went upon personal disqualification, or the want of sufficient property?—I do not think that an objector ought to be called upon to do more than to state the grounds of his objection. If he fails in substantiating those grounds there is the penalty of costs to which he will be liable.

584. Then you would be satisfied with his stating the column against which his objection was directed; but you would not ask him to go further; for instance, in the case of the description you would only require him to state that he objected to the sufficiency of the description, and not to specify what was the particular point of the description which he considered was insufficient?—I do not think that there would be any harm in that, and I think that it would perhaps be a better protection to the voter if the objector was more distinct in the communication of the reason of the objection, as well as the particular column to which the objection applied.

585. Would you call upon him to state whether he objected to the qualification of the voter so far as the property was concerned, because the tenure of the property was not such as to qualify him, or because the value was not sufficient?—I think that it would be a better protection to the voter that the explanation should be as large and distinct as possible, so that it might go even to the extent which you speak of, to the tenure or to the value, as the case might be; and I would even go further than that. Under the present powers of the Revising Barrister three of the columns can be altered by him, provided that the information be satisfactorily supplied before the end of the court. I would even give at the bottom of each notice of objection instructions to the voter how he could remedy it.

586. You would allow an objector to go upon more than one ground of objection, provided that in his notice he specified it?—Yes.

587. Would you give the registered voter any further protection in the way of costs than he now enjoys?—No, I think that there would be an evil in giving power to the barrister to inflict heavy fines and costs upon the failure of an objection. The Registration Act was drawn, I believe, by a Mr. Elliott, who has published the best work upon Registration Law, and in a very few lines he graphically conveys my opinion, namely, that "the power conferred on the barrister of giving costs in certain cases is entirely new, and will be required to be exercised with great caution and discretion; on the one hand to protect as much as possible the *bonâ fide* voter from being vexatiously brought into the Revision Courts, and on the other hand not to deter persons from objecting where there are reasonable grounds to doubt the qualification." I think that if the cost were so high, which possibly might in some instances be inflicted by the Revising Barrister as to deter persons from making objections where reasonable grounds existed, a great evil might arise.

588. Then the protection which you would give to the voter is to require the objector to state his point of objection specifically in his notice?—His ground of objection; and I would also at the end of the notice give the voter an explicit instruction as to an easy way in which he could remedy the defects in three of the columns, and that the information might be supplied to the satisfaction of the Revising Barrister before the rising of the court, upon which he would make the consequent alteration under his present powers.

589. How do you propose that that communication should be made by the voter to the Revising Barrister?—He would either do so through the operation of an existing society or through an agent representing one of the parties in the county, according to his own politics, or I do not see why he should not make a written communication to the overseer or the barrister. There are other suggestions which I would make with regard to the barrister's power, which certainly has been much remarked upon; namely, with regard to *primâ facie* evidence: I think that the communication by letter to the Revising Barrister would be such *primâ facie* evidence, that he would be bound to act upon it, unless there was some opposite evidence in the court, and I would even give the Revising Barrister the following power: according to the present law, if the notice of objection be proved, the voter is called upon to prove his qualification. If there were some *primâ facie* evidence before the barrister, I would give him power which he has not now, to call upon the objector for the cause of the objection; it would not be so necessary in the event of a previous suggestion of mine, that the cause should be stated in the notice, but according to the present law it is necessary; you cannot get at the nature of the objection,

objection, excepting through the objector himself, and the barrister has no power of getting it from the objector. I would give him the power, at his own court, of putting the objector, or the person representing him, in evidence, not only with regard to the nature of the objection, but with regard to any information within his power for the purpose of giving that evidence and that information which would enable the barrister to supply the grievance.

590. At present, the barrister, in order to give costs, must find that the objection is groundless, or frivolous and vexatious?—Yes.

591. Practically, it is in comparatively few cases that he is enabled to do so, at present?—The objection is groundless, provided the person fails in the objection. The Revising Barristers unfortunately do not adopt a uniformity of practice; they have the power to inflict costs, and there is no appeal against their infliction of costs; they have the power to inflict costs, and it may be a matter of feeling, in some instances, as to the way in which a case has been conducted; but there is no appeal against the barristers' decision, and I question whether it might not be an improvement even to give an appeal against the barristers' power; they certainly do not exercise it with any uniformity. I attend a great many barristers' courts, and I find that I am obliged to be a day in each court, when I go for the first time, before I can inform myself of the practice. Anything which would tend to uniformity of decision would be a great improvement.

592. An objection may be groundless without being frivolous and vexatious, may it not?—Whether it is frivolous and vexatious is quite within the province of the barrister to determine; he determines in his own mind if it be frivolous and vexatious. Many barristers think it so vexatious that they give the full extent of costs in every instance; others, again, measure the degree of vexation by an abatement in the costs; but where there is a failure, nine out of ten of the barristers inflict the costs under the wording of the Act.

593. Under the plan which you would suggest, of an objection on a specified ground, it would be a much more simple matter to determine whether an objection was groundless, or frivolous and vexatious than it is now?—If the party failed on either of those grounds, I should inflict costs under any circumstances.

594. Do you think that the knowledge which a voter would have if your plan were adopted, that once on the register he would enjoy a certain degree of security from objection, would be an appreciable encouragement to persons to register?—I do not think that persons are influenced either one way or the other. I do not think that they look so far ahead. I think that unless they are reminded of it by political societies, taking the mass of voters, they are so indifferent to the franchise that they really do not take trouble to inquire whether the time is the 20th of July or the 20th of August. In large constituencies it must be done through the operation of societies.

595. Does any great difficulty arise from the inaccurate and insufficient description given by electors of their qualifications in their claims, as to their residences and the situation of their properties?—I have not found it so practically.

596. Do not many electors find a difficulty in filling in the form of claim with the requisite particulars?—Yes, if left to themselves. Of course, some are more perfect in it than others; but there are very few cases, even in the county of Middlesex, where we find that they are excluded in consequence of coming within the power of the barrister to be struck out on account of insufficient descriptions.

597. Does not the elector now, in many cases, require the assistance of a political society, or some kind of assistance, in order to enable him to tell whether he is a person qualified to vote or not?—I do not know whether he actually requires it. No doubt, from his previous knowledge, he takes the trouble to find out in some way or another. I think that persons possessing property generally understand the privilege which the possession of it affords them.

598. Do you think that persons generally understand that they are entitled to a vote where it is a question depending upon whether the property is freehold for life or freehold in fee, and whether the person has acquired it by devise or by marriage, or before the year 1832, and many other points of title?—No doubt there are many intricacies, but I think that the holders of property generally inform themselves, particularly those who are in the possession of the franchise.

599. And, in order to obtain that information, there must be some political agency to which they must apply?—Not necessarily so, in my opinion. I think that a gentleman's own lawyer would tell him.

600. At all events, in order that they may obtain the necessary assistance at small cost, the agency of a political society is required?—It is very convenient, no doubt, that it should be so; but I think that a person possessing property generally informs himself of the privileges attached to it.

601. That is the result of your experience; you think that persons possessing property have a sufficient knowledge of the law of registration and of the nature of their title to find out for themselves whether they are entitled to vote or not?—I think that they do so in a great measure, particularly in the smaller constituencies. In the larger constituencies there is a great indifference as to the possession of the franchise at all, and therefore they do not take the trouble to inquire; but there are many counties where no Registration Societies exist, and many counties where no attention is paid to the register. There is no doubt that in those counties the register is very incorrect as a record, and is very imperfect, as not containing the number of qualified electors who might be upon the register.

602. And that incorrectness arises from the indolence or ignorance of the qualified persons as to their rights?—There is no doubt of it.

603. Do you agree with Mr. James as to the evil which arises from the publication of the copy of the register in force by the overseers not being in sufficient time to afford electors the opportunity of ascertaining whether they are registered or not?—The period is between the 1st of August and the 25th. On the 1st of August the overseer has to make out his list, and to sign and publish it for a fortnight afterwards on two Sundays.

604. Do you agree with Mr. James that it would be desirable that the old register should be published on the 20th of June, at the same time as the notices to claim?—I think that if you could give more notice to the electors with regard to the period as well as to the publication of other

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notices, it would, no doubt, be an improvement. There is no reason to the contrary.

605. There is no reason why the overseer should not publish the old register on the 20th of June together with the notice, is there; would there be any difficulty?—I think not; he might publish it at any time, particularly if it came from the Clerk of the Peace in such quantity as would be necessary for his purpose. You would not require two publications; the copy of the register is now published with the list of claims. But according to what has been suggested, you would have one period for publishing the register itself, and another period for publishing the list of claims.

606. Would there be any great inconvenience resulting from that?—I think not; but I think that the more simple you keep the arrangement for illiterate overseers, and other persons to deal with it, the better. If there was not some manifest advantage arising from a separate publication of the two lists, I would rather adhere to the system now pursued of publishing them both together.

607. In what way would it be more complicated for the overseers to publish the old register on the 20th of June with the notices of claim, and then to make out a fresh list of claimants afterwards?—There is no more complication, beyond the addition to the duty. There would be two publications, and in rural parishes they have to make a publication upon each church and each chapel, and we know that they extend over a great area.

608. The overseer has a publication to make on the 20th of June?—Yes; and without a manifest improvement and great advantage resulting from a second publication, I should rather adhere to one publication alone.

609. But he has already on the 20th of June to publish the notices to claim?—Yes; on the 20th of June he has to publish a notice calling upon persons to make their claims.

610. In what way would it complicate or increase his labours if he published the old register?—I do not think it would do so.

611. You have spoken of the overseers being illiterate persons; does the ignorance and want of intelligence of overseers constitute a serious drawback in many cases to the present system of registration?—No; where they are most illiterate you have the least numerous occupiers, and the parochial duties come round so frequently under the present system that they thoroughly understand them.

612. In your experience there is no greater difficulty arising from defects from the ignorance of overseers in country parishes than in populous parishes?—In populous parishes the duties generally devolve upon the vestry clerks.

613. In populous parishes you have the more intelligent men, and in rural districts, where you have the less intelligent men, the number is comparatively slight?—Yes, and the vestry clerk is permanent, whereas the overseers are annually changeable.

614. You would not see any advantage in transferring the work which is now done by the overseers to the clerks of unions?—No; I do not think that any advantage would result from it, but there might be the disadvantage that it is impossible for the clerks of unions to have as much local information as the overseers in the particular parishes.

615. Mr. James complains of the limited information afforded to residents of the district from the form in which the lists are made out and published; do you agree with him in considering that it would be an advantage that every parish list should contain the names, not only of voters, qualifying for property within the parish, but also the names of voters residing within that parish, and qualifying for property in other parts of the county?—The only advantage which could possibly arise from that would be, that a person going to church would have an opportunity of seeing his name stuck upon the door if he looked at the list, which opportunity he does not have under the present system. For election purposes there might be an advantage.

616. Would not it be an advantage that a person should have an opportunity of seeing that in the parish where he resides?—I do not think it would. If he is once upon the register he cannot be struck off without the process of an objection.

617. Supposing that he is objected to by an overseer?—Then undoubtedly I think that it would be a proper course that some communication should be made to him. With regard to the objections made by overseers, I have very seldom found (and I do not think that, in the county of Middlesex during the last year's revision, there were a dozen) objections made by overseers which were not *bonâ fide* made and sustained.

618. But you propose that the overseer should be bound to give notice of his objection to the party objected to just as any other objector?—I think that there could be no harm resulting from that, but no doubt there might be in some few instances a considerable benefit.

619. You said that the making out of the lists in the manner suggested by Mr. James, with the names of the residents within the parish, would be an advantage for election purposes?—I think for that purpose it might.

620. It would be for the convenience of polling?—Yes.

621. Do you agree with him that it would be an advantage that every one should poll in the district where he resides, without the trouble of making a special claim?—There no doubt might be some advantage resulting from that, but that would be more a matter between the candidate and the voter. If the voter himself wished to possess that privilege, the present law enables him to do it if he likes.

622. But he must make a special claim?—Yes.

623. Mr. *Hunt.*] He can do so by letter, can he not?—He can send it to the Revising Barrister, and the Revising Barrister invariably acts upon it if he gets his claim sent in when he is holding his court.

624. *Chairman.*] You altogether disagree with Mr. James, I believe, as to the expediency of making the Clerk of the Peace the means of correcting the register?—I do; and, following Mr. James' view with regard to the partisanship of the overseer as well as the clerk of the Assessment Committee, I do not see why it should not equally be extended to the Clerk of the Peace.

625. Within your experience, are many electors deprived of the franchise through not attending at the court when they are objected to?—Yes, there is no doubt of it. They may or may not

not possess the franchise; but a great number do not attend to the objections.

626. Have you reason to believe that many persons who are qualified are deprived of the franchise in that way?—I think so, that they will not take the trouble to come to the court; and I find, as representing the association in Middlesex, the greatest difficulty in the world either to get them to come themselves or to afford you sufficient information, although you could act for them without their coming.

627. Does great inconvenience arise to the electors from the necessity of attending the Revision Courts at the place where the poll is required to be taken, and not in the district where they reside?—There may be some little inconvenience in large constituencies, but not in small ones, not in smaller counties. I have recently been through Oxfordshire and East Kent attending each Revision Court, and I have not heard of any complaint of it; but if it were so, there is now ample power to increase the number of polling places, and if that power were exercised it would consequently increase the number of places at which the Revision Courts were held.

628. If you increased the polling places, without at the same time providing that persons were to poll in the places where they resided, you would give them no relief?—The more numerous the polling places the nearer they must be to their residences. The chances are that additional polling places throughout the county would be more convenient to some of them who might be residing near the newly created place; but I take it that if the inconvenience were much felt the parties would avail themselves of the present law, and claim to poll at the places nearest their residences, or, being out of the county, would claim to poll at any place within the county which they thought proper.

629. Do you suppose that the majority of electors are aware of the existence of that law, and how simply they may obtain that privilege?—I have not a doubt of it, certainly; where associations exist, it is one part of the duty of the association to make them acquainted with that law.

630. But how is it where associations do not exist?—I do not think that they are aware of it; possibly not.

631. Your whole view, as I understand it, is based upon the fact that it is absolutely necessary, considering the nature of our franchises, that a great deal of work should be transacted by political associations?—There is no doubt of it; and it would be so under any circumstances, under the present or any altered system.

632. The difficulty, as it seems, is, that persons must be left to make their own claims and to defend their own rights, and to be objected to by individuals, because the franchise depends upon a variety of titles and questions of value, concerning which none but the owner himself can give the information?—No doubt; and I cannot suggest a remedy.

633. And your opinion is, that so long as the franchise continues what it is, there is no way of materially simplifying the system of registration?—Not as regards the claims, certainly; the other portion of it is a simple matter of machinery; nor can I suggest any system excepting that which I have already named, with regard to the Clerk of the Peace being responsible for the register of the overseers having nothing whatever to do with it after it comes out of his hands, as well as giving the information with regard to the objection to the voter, and instructions to him how he can get the three columns altered through the intervention of the Revising Barrister. I cannot suggest any other improvement upon the present system.

634. You cannot suggest any improvement as to the manner of claiming?—No.

635. It must be left to the individual?—Just so.

636. And as regards objecting, subject only to the modification which you suggest, as to giving the person objected to information of the specific ground of objection; that also must be left to the action of individuals?—Certainly.

637. Because the voter must be liable to be challenged, and to prove his right which nobody can prove except himself?—Exactly.

638. Have you any objection to make to the mode in which the Revising Barristers are at present appointed and paid?—No.

639. Or to the absence of any provision in the statute for the devotion of sufficient time by the Revising Barrister for the full and careful discharge of his duties, and for the appointment of proper times and places for holding his courts?—I think there is ample time now. The county of Middlesex, and I believe the West Riding of Yorkshire, require more time for their revisions than any other counties in England, and we have not yet found in the county of Middlesex that the barrister commencing his circuit at an early date, as allowed him by Act of Parliament, has not ample time for the purpose of finishing his work.

640. The barrister has ample time?—In Middlesex we have not exceeded 14 days.

641. The time allowed is between the 15th of September, and the 31st of October?—Yes.

642. Does it ever arise that the barrister through miscalculation, or indolence, does not leave himself time enough?—I have never found it from experience. In the county of Middlesex, where the revision takes up quite as much time as in any county of England, we have never had more than 14 days' work; and it is manifest that between the 15th of September and the end of October, the barrister has no difficulty in selecting 14 days for the performance of his work.

643. Have you any suggestion to make as to duplicate entries on the register?—It may be an inconvenience to have them on the register. Sometimes a person is down twice for the same qualification; but many persons are down twice and three times upon the register for different qualifications. I think that if persons were found to be down twice for the same qualification, the barrister should have the power to strike one entry out, without the necessity of an objection; that would remedy it at once.

644. After the opinions which you have already expressed, I need scarcely ask you whether you consider it advisable to attempt to introduce a system of self-acting registration, based upon the valuation lists?—I heard Mr. James's evidence with regard to that point, and I agree with him, that you would not be able to carry it to anything like a satisfactory result; because, although we know that in many parishes there has been fresh valuations under the Assessment Act, they may be perfect at the time when the valuation is made, but they are continually variable afterwards. It may be a good criterion with regard to value, but it would not be a good criterion as regards the

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owners of the property, because they are continually changing.

645. Could not the Assessment List be corrected from year to year?—Yes, no doubt; but even if corrected with regard to owners, I apprehend that it would be liable to the same objection which Mr. James has properly made.

646. I think you said that it might be a criterion as regards value, but that it would fail as regards ownership?—It is no doubt good presumptive evidence with regard to value.

647. As regards the class of voters who register in virtue of occupation, could they be registered from the valuation lists with any sufficient security to render it desirable to adopt such a system with regard to counties?—I do not myself see that there is a great difference between the county 50*l.* occupier and the 10*l.* occupier, because the 10*l.* occupation must be under the same landlord; and there are ingredients connected with the borough qualification; the voter must have resided either at the place or within seven miles of it; therefore, I take it that an objection with regard to the 50*l.* occupation, in consequence, perhaps, of the want of proof that the person held as tenant would be equally applicable to the borough franchise for want of proof that the man resided.

648. Therefore, so far as the occupation tenants are concerned, you think that the valuation list might afford an instrument for registration?—I think that it would be presumptive and *primâ facie* evidence that the party was there and was occupying as tenant, as the other is *primâ facie* evidence, namely, being put upon the list by the overseer, that he has resided there or within seven miles of the place.

649. But as regards owners, you do not think that it would be sufficiently reliable to be used?—I think not. I think that there are many ingredients necessary to make a freehold qualification, for which it would be impossible to rely upon the valuation list for the information which was necessary.

650. That being the case, should you think it worth while to make an alteration in the present system of registration, and to provide that occupiers should be officially registered?—Certainly not. I think that the means of obtaining registration are now so easy that, if a person values his vote at all, he has most convenient means to exercise his franchise.

651. Should you consider it fair to give one class of voters an advantage over the others?—Certainly not.

652. Mr. *Hunt.*] You say that in your opinion it would be a good thing that persons objecting should state the grounds of objection; how would you prevent persons taking every ground of objection in their notice, in the same way as they do now in the case of an election petition. Persons petitioning against a return state every ground on which they seek to invalidate the election; how would you prevent objectors stating every possible ground of objection in their notices?—I do not see any reason why they should not; if they succeed in striking off the voter, no costs would be awarded; but if the vote be sustained, costs should be given against the objector in respect of each of the grounds in which he failed.

653. But the object of stating the grounds would be to give information to the person whose name was on the register as to what he would have to substantiate?—The first, second, and fourth grounds would be, as now, remedied by a communication to the barrister, so that an alteration might take place at his revision court. As to the third column, no doubt, if the ground of objection were correct, it would be fatal to the vote, and there would be an end to the other three.

654. I understood you to say in answer to the chairman that it would be desirable that the ground of objection should be very specifically stated, that is to say, that if the sufficiency of the value for which the vote was claimed, was called in question, that should be stated, or if the man's title was objected to, that should be stated. It is obvious that it is much more expensive to prove title than it is to prove value, because to prove title you would have to produce your deeds, but to prove value you might either state yourself what rent you got for your property or your tenant might prove it for you, or any other person acquainted with the fact; therefore, would it not be desirable that the ground of objection should be more specifically stated than merely pointing to the 1st, 2d, 3d, or 4th column?—I think that for the convenience of the person objected to, the more specifically you can give the ground of objection, the better; but I think that practically if you were to say which column you objected to, that would be sufficient.

655. How would you prevent an objector stating his objection on the ground of your description, or your qualification, or your name, or the situation of your property being inaccurately stated? How would you prevent an objector stating the ground of objection to every column?—I should not endeavour to prevent it.

656. If you allowed him to give every possible ground of objection, the voter would have no more information than he has at present?—It might be open to that. The suggestion with regard to "costs" would act as a preventive.

657. Might you allow the barrister to give costs to the voter to a small amount, naming a maximum for every ground of objection which was taken and not sustained by the objector?—I would. If the objector was successful in his objection to either column there would be an end to the vote.

658. You might take away the vote, but give the person objected to costs on the ground of objections which were not sustained, might you not?—That, I think, would be rather hard upon the objector. I take it that that would be very seldom experienced, because if the objector had a good ground of objection with regard to the 3d column, he would not make an objection with regard to the three other columns. He would object simply upon the ground that the person had not got his qualification, and it would be useless to object to the other three columns.

659. You do not see your way to getting out of that difficulty; you do not see your way to limiting the objection to the actual ground of objection on which the objector intends to rely?—I would only allow him to go into evidence with respect to the grounds stated in his notice.

660. With regard to costs, you are of opinion that the present maximum amount of costs allowed to be given, of 1*l.*, is sufficient. The county franchise is essentially a non-resident franchise, is it not?—Residence on the property which gives the qualification, forms no ingredient in

in the qualification for the county franchise?—None whatever.

661. If that is so, and if persons are allowed by law to reside anywhere, and yet to retain their qualification, ought not a person when called upon to come up from his residence at a distance in order to prove his qualification, to have all his costs out of pocket, if costs are allowed at all?—I do not think that there would be any objection to that; no doubt in some instances the 20 *s.* will not pay the whole of the costs incurred. All that the Revising Barrister is enabled to give now is the costs actually incurred; that is the extent of his power, but the Revising Barristers do not observe the limit.

662. If you had to go from London into Yorkshire to substantiate your vote, 20 *s.* would not cover your costs out of pocket?—No; but there are ways of proving the qualification and resisting an objection in the court, without the actual and necessary attendance of the voter.

663. In that case you would have to employ professional assistance?—Or the case would be conducted through the agency of some association or agent, or by a person on the spot.

664. So that expense would be incurred in that way, either by the voter himself, or by some one who was interested in keeping his vote upon the register?—Yes.

665. Do you not think it fair that all costs out of pocket should be allowed to the voter in those cases?—I am afraid that it would operate against an objection to a person residing at a distance. He may have a bad qualification, or the objector may have some information with reference to the qualification, and it would operate against the objection.

666. With regard to another point; I believe you agree with Mr. James that persons who are objected to should have an opportunity afterwards of correcting that which is mere matter of description of their qualification, or statement of their place of abode?—Certainly.

667. And you suggest that those corrections might be sent to the barrister; would there not be a difficulty in the voter knowing where the barrister was to be found, because the barrister, in going his circuit, would be moving about from one place to the other?—But the voter is bound to send the communication to the polling place.

668. But there is no office at the polling place, and no particular room for holding the court?—The barrister appoints a particular room; as soon as his appointments are out we, of course, know where he will hold his court.

669. That is only his court for the day?—Yes.

670. There would be no one there to take charge of any letters sent to him on any other day?—I suppose not.

671. Do you think that it would be better that those corrections should be sent to the overseers?—I think so, if the overseers could be relied upon.

672. Supposing it were made law that persons objected to should be able to correct the entries in the register, or any claims in these minor matters, do you not think that, practically, that would put an end to vexatious objections?—I think so.

673. The objections complained of as vexatious are chiefly those with reference to the place of abode or the description?—One of the three columns. That is why I make my suggestion, and the way in which it would be carried out, would be in consequence of the communication in the notice as to the cause of objection. One goes with the other. With the statement of the cause of objection in the notice, the facilities afforded for the purpose of rectifying any error in either of the three columns would, in a great measure, in my opinion, overcome the necessity of these universal objections.

674. Mr. *Sclater-Booth.*] I do not think that you have quite apprehended the force of my honourable friend's objection to your suggestion; which I thought a very good suggestion, namely, that if you made it imperative upon objectors to specify the grounds of their objection, it would practically come to this, that the agents on both sides would state every ground of objection, and take their chance of succeeding upon one, just as formerly you might plead half-a-dozen pleas, and rely only upon one. I do not think that you have met that objection. Do you not think that they would do that as a matter of fact?—They might do so; but giving the voter facilities to rectify all the errors in the three columns, would practically limit the objection to the qualification. A man would not take the trouble to make the alterations in the three columns provided he felt that he had no qualification at all; but if he felt that he had a qualification, he would provide against errors in the three columns objected to, by giving the information to the barrister, and then practically it would only have to be determined whether the man had his qualification or not. That would, of course, prevent a person taking all four grounds with the chance of succeeding upon either one or the other; three of the grounds would be practically out of court, because the voter would have supplied the information to the barrister for the purpose of rectifying any deficiencies in those three columns.

675. In point of fact, there is only one substantial ground of objection under any circumstances?—There is only one substantial ground of objection.

676. The others are merely formal?—Excepting under the present system, when the person has proved his notice of objection, the operation is that the barrister is bound to call upon the voter to prove his qualification; but, under the arrangement suggested by me, he would not have to do so upon every objection; he would only have to prove his qualification where the ground of objection rested upon the third column.

677. But in the re-arrangement of costs now proposed, would it not be well to draw a distinction between the substantial and the merely formal grounds of objection?—It is now entirely within the discretion of the barrister to award costs, and the amount, and so, I apprehend, it must be left.

678. No great injury would be inflicted upon any man by having to correct an erroneous description of his name or residence; but, if his title to his property was attacked without real grounds, it would be a substantial grievance to him, and substantial costs might be awarded for a failure to disprove his qualification; whereas, if it was merely a correction of the other kind, no injury would be done, and no costs need be awarded at all?—I take it, that a man feels a personal interest in the maintenance of his own franchise, and that as the law now stands, he is to be paid all costs which he may be put to in substantiating or maintaining his franchise. Therefore, it does

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not at present provide that a person is to have any premium for exertions, or be paid for trouble. According to the present wording of the statute, there is no provision that he is to be paid for any of his trouble; nor, I apprehend, would it appear to be proper to inflict a penalty upon the person objecting, for the purpose of compensating the party for his trouble. Evils might result from his being compensated for his trouble in maintaining that which he has a personal interest in maintaining. At the same time, any excessive costs would operate against the person objecting, and more so where it is an individual objection, than where it is a wholesale objection, through the intervention of some society, because there are many counties where there are no societies, and any objections which do take place, take place from the *bonâ fide* exertions of individual voters.

679. Mr. *Collins.*] Do you see any hardship if a person chooses to object to the third column in his being limited to that objection. Supposing the objection upon the third column to be good, do you see any hardship in his being confined to making an objection to the third column, when he objects to the third column, so as to prevent a man who objects to the merit of the vote, from objecting upon technical grounds?—I think that very frequently when objections are made on technical grounds it is as much to the advantage of the voter, as to his disadvantage.

680. Do you see any hardship in preventing a man objecting both to Column 2 and Column 3?—No; but I do not see any good resulting from it.

681. Would it not prevent people objecting to all the grounds upon the chance of proving one?—No, I think not; I think that the technical objections, particularly with regard to the place of abode, very frequently result in advantage to the person objected to, because if a wrong place of abode is upon the register, and an election takes place, he is not found.

682. Supposing the vote to be bad altogether, would there, then, be any injustice in prohibiting a person from objecting upon a technical ground, he having already objected to the merit of the vote?—I do not see any harm in it; but I do not see any good which could result.

683. Only that you could remedy the objection on technical grounds, and you would know that you would not have to go into court to prove the third column, whereas if you gave the objector the power of objecting both to No. 3 and No. 2, do you not think that the parties would always object to No. 3 when they objected to No. 2?—I do not see any disadvantage in a universal objection, because the party has the opportunity of so easily remedying a defect in the three columns by the suggestion which I made, and hence, practically and virtually, it would be found that the objection did rest upon the third column.

684. Supposing that an objection is made to the second column and to the third, and fails upon the third, but succeeds upon the second, and that the voter has sent in an amended claim to the barrister, the objector having no notice of it, the voter would be obliged to come into court to prove that his vote was good upon the merits?—He must have notice of all the grounds; otherwise, I would not allow a person to go into any objection, the grounds of which were not specified in the notice.

685. Would you give the barrister the power to award costs upon the third column, supposing that the defect in the second column had been supplied in the meanwhile?—Yes.

686. You would give power to the barrister, if a man amended the second column, to give costs upon the third?—I think so, if the objector failed in any outstanding column, to substantiate his objection.

687. Would there not be a hardship upon the objector if he had had no notice that Column 2 had been amended by the voter, in saddling him with the costs upon the objection that the second column was wrong, the voter in the meantime having sent the correction of his address. I suppose that the objector has objected to the third column, and fails upon the third column, and does not succeed upon the second column, because the voter in the meanwhile has sent notice to the barrister that he has changed his residence?—If he failed upon the third column he would naturally have costs against him.

688. Though he succeeded upon the second?—Though he succeeded upon the second. Supposing that the three amendments were made under the power which the Revising Barrister has, if the objector failed upon the third column, I would give costs.

689. You said with reference to the question of registering occupiers in boroughs, that there were other points besides those contained in the rate-book which the overseer must derive from other sources, such as residence?—Yes.

690. I believe that in boroughs the occupation must be of one tenement, and not of two tenements?—One tenement.

691. Supposing that there are a dozen houses, with warehouses in the back-ground, occupied by the same persons, both being put "house and premises" in the rate-book, that would not necessarily constitute a vote?—Not necessarily.

692. Because there might be a severance by a common passage?—Yes.

693. The overseer would not have any knowledge of that fact?—Just so.

694. And therefore he might leave out of the register persons so situated, because he had no actual knowledge of the property?—Exactly.

695. Do you think that there would be any more difficulty in registering 50*l.* occupiers in counties than in registering 10*l.* occupiers in boroughs?—I think that there would be more difficulty, but that there is not so great a difference between the one and the other as that the 50*l.* franchise might not be assimilated to the same practice as the borough registration. Any person in a borough who is omitted from the register must make his claim, and having made his claim, he is bound to go before the Revising Barrister to prove it, and hence I consider that there is no greater hardship in a county voter being called upon once to prove his claim, than for a borough voter to be called upon to prove his claim when he has made it.

696. The county voter lives at a greater way from the place?—Yes; but for the same privilege I do not see why he should not have to perform the same duty.

697. Viscount *Ingestrie.*] Do you notice in large counties, such as Middlesex, a reluctance to make a claim; for instance, when there has been an objection?—I have noticed it universally, that both in Middlesex, East Kent, and elsewhere, there is a universal objection to making claims. If the electors would only attend to their

their own interests there would not be any necessity for political associations.

698. Do you mean that they have a reluctance to claim because they do not wish to be canvassed for the vote?—Because they do not sufficiently value it.

699. If registration societies did not exist, do you think that many persons having a qualification would not take the trouble to substantiate it?—I am satisfied of that. I am satisfied that instead of there being 15,000 names on the register in Middlesex, there would not be 10,000.

700. In this county can you say, on a rough guess, how many persons possessing the qualification do not claim it?—There are as many qualifications off the register as on.

701. That does not apply only to this county, but to all counties?—Yes; more particularly to large counties than to small.

702. Mr. *H. A. Bruce.*] Did I rightly understand you to say that the Revising Barristers had decided that all objections not sustained were held to be groundless, under the provision of the Act?—Not all Revising Barristers, but many; they do not take the trouble to inquire under what information or circumstances the objection is made; it is not sustained; there is an end of it, and costs follow as a matter of course.

703. That point has never been decided upon appeal?—There is no appeal with regard to costs.

704. Sir *Edward Colebrooke.*] Do you agree with what Mr. James said as to the proportion of county electors, freeholders, who are not themselves occupants; he said that probably not one-half were occupants?—I should think not as many as one-half. I am quite satisfied that the number of freeholders does not amount to one-half, who are in occupation of their qualifications.

705. Then if the overseer attempted to make out a list of freeholders from the valuation roll, there would not be one-half of them who would be occupants; and with regard to the half who were occupants, would many of them be disqualified from circumstances which would be unknown to the overseer?—I have not a doubt about it; if the overseer had to make the register from the assessment, or from the rate book, which should be a transcript of the assessment, when it is completed, there would be as many bad qualifications put upon the register by the overseers as good ones.

706. By bad qualifications do you mean on the ground of title, or from not knowing the charges upon the property?—Taking one thing with the other, as well as the difference between a freehold, a copyhold, and a leasehold qualification.

707. And that is not a fact which the parties making up the valuation roll can easily ascertain?—I do not think that they can; certainly not in populous districts, because I am persuaded that in the populous districts of this county more than one-half the tenants do not know who their landlords are; they pay their rent to an estate agent nine times out of ten, and they know no one else.

708. I am speaking of those who are occupants, and whose names appear on the valuation roll as paying rates. With regard to those, the fact of title would be a difficult matter for the overseer to ascertain, whether being occupiers there was any complication of title which would disqualify them?—I think that if the overseer took the trouble to inquire of the person in occupation under such circumstances, the chances are that so little would he know the purpose for which the inquiry was made, that there would be great difficulty in getting a true version of his position with regard to his property.

709. With regard to mortgages, do they often come as questions before the Revising Barrister?—Frequently.

710. And the facts of those mortgages are generally easily ascertained?—The person is there to be cross-examined, and he is naturally asked whether he has a 40 *s.* or 10 *l.* clear freehold or copyhold, as the case may be. We do not generally ask questions upon mortgages unless upon good information they are supposed to exist. The person is asked whether his property is mortgaged, and it is a matter of calculation whether he has a 10 *l.* interest or a 2 *l.* interest, as the case may be.

711. Mr. *Algernon Egerton.*] You heard Mr. James say that he thought that every new claimant should be called upon to give *primâ facie* evidence of his title to a vote. I understand you not to agree to that?—I do not agree to it in the first instance. I think that there is no hardship in calling upon a new claimant to give *primâ facie* evidence of his title if he is objected to, and I think that a uniformity of practice by Revising Barristers would be of very great service, for I find in some instances such a practice as the following:—Mr. Churchill, the Revising Barrister in Berkshire, does not allow a vote unless it is positively proved by the production of the deeds, and in some instances by evidence of the signature of the attesting witness; whereas a more liberal person says "Give me some evidence that you have got the property; let it be proved by some person, and confirmed by the poor-rates." The law says, that we are to prove the matter to his satisfaction, and he says, "I will be satisfied with that; I believe that what you tell me is perfectly true, and you shall have the vote." I think that the *primâ facie* evidence would be very good after an objection, but not before, and there would be an advantage in uniformity of practice. I think that if you called upon a man to give *primâ facie* evidence before his vote was objected to, you would introduce difficulties with regard to sending in his claim, which would operate very much indeed against his sending it in at all.

712. The system in vogue in Middlesex is, that all first claims are objected to; is it not?—That has been the system, so long as I have been connected with the registration.

713. That, of course, makes it necessary for the claimant to give *primâ facie* evidence?—It does.

714. Would you recommend that that system should continue there, and in other counties?—Undoubtedly not; as a forerunner to the qualification, it will operate very much against the interest of persons holding the qualification to claim.

715. You have said that, in practice, claims, unless from *bonâ fide* electors, have been objected to?—Yes.

716. Do you see any remedy for that except what you have mentioned, namely, that the objector should, in every case, state the ground of his objection?—No; so long as the law allows of an objection at all, I see no remedy for it.

717. You do not think that, for instance, a man who substantiated his vote one year, should not

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be objected to the next year?—The only preventive to that is the infliction of costs, which the Revising Barrister has power to inflict, and although they are small in amount now, there is no doubt that they have considerable effect, particularly in large constituencies, because the barrister has the power to inflict a fine to the extent of a sovereign; and in large constituencies like Middlesex, where the objections run to 2,000 and 3,000, the infliction of a sovereign in each case would be a very considerable preventive.

718. Mr. *Evans.*] I think that same honourable gentleman observed, that supposing a man living in London has a qualification in York, which is objected to, a sovereign would not at all recompense him for what he is actually out of pocket, if he has to go from London into Yorkshire, and I understood you to say that the vote might in all cases be substantiated without the necessity of the person going down?—Not in all cases; where there is no political society in a county, of course the fact of a man being objected to would be of very infrequent occurrence, and therefore I do not think that for individual cases you would be justified in establishing a universal principle.

719. I reside in Derbyshire, and my vote for Westminster was objected to. I received intimation of it (I was abroad at the time), by a letter from the registration agent for Westminster, asking me if I meant to defend my vote, which I said I meant to do. I wrote to him and told him that I was ready to do what might be necessary, and he told me that I must either come myself or send somebody acquainted with the circumstances of the case, because if I did not do so, as he did not know what the ground of objection was, he could not at all ensure that he could substantiate my vote. I was not able to go myself, but I sent a person up, and I was a good deal more than a sovereign out of pocket. Could you suggest in a case like that how I could be saved the expense of a journey, or of sending a person up?—I think that the suggestion which I made with regard to stating the grounds of objection in the notice would remedy that.

720. But under the existing law there would be great difficulty?—Yes.

721. Mr. *Wynn.*] I understand you to say that you approve of the plan of a list of the claimants, and the existing register being published together, as they are at present?—I do.

722. Do you not think that if the plan suggested in the first instance by you was carried out, namely, that a certain sufficient number of copies of the register should be furnished by the Clerk of the Peace to the overseer of each parish for posting on all the chapels and churches, it would obviate such an inconvenience as I referred to in my examination of Mr. James, of the claimants being mixed up in the rural districts with the persons at present upon the register?—I think that if these copies were supplied by the Clerk of the Peace, the overseers would have nothing to do with the register. All that the overseers would then have to do would be to make out the claim lists alone, and therefore the fact of their having nothing to do with the copies supplied by the Clerk of the Peace would meet your difficulty, and the claimants must be on a separate list.

723. I understand you to say, that as far as your experience went, the overseers, from having been so frequenty called upon to exercise the office, understood their duties?—In rural districts particularly.

724. How far does that experience extend?—To Buckinghamshire, Oxfordshire, and East Kent. I have no personal experience in the other counties as to the working of the registration, and, consequently, my connexion with the other counties in England has been confined to mere communications between myself and the head agents.

725. Then you have not been in the habit of finding (which was an instance that I gave the other day) that the claims are made out upon the objection list, and so on?—I have seen it so, no doubt.

726. But not commonly?—Not commonly; it is the exception, rather than the rule.

Veneris, 4° die Martii, 1864.

MEMBERS PRESENT:

Mr. Sclater-Booth.	Mr. Evans.
Mr. H. A. Bruce.	Mr. Hunt.
Sir Edward Colebrooke.	Viscount Ingestre.
Mr. Collins.	Mr. Locke King.
Mr. Dodson.	Mr. Locke.
Mr. Algernon Egerton.	Mr. Walter.
Viscount Enfield.	Mr. Charles Wynn.

JOHN GEORGE DODSON, Esq., IN THE CHAIR.

HENRY SMITH, Esq., called in; and further Examined.

H. Smith, Esq.

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727. Mr. *Walter.*] It was stated by Mr. James, and I think by yourself also, that the practice of the Revising Barristers is not to allow any costs, in the first instance, in the case of unsuccessful objections to claims for the franchise?—It is not universal: some barristers do allow them, and most of them are influenced, to a certain degree, by the inquiries which have been made by the election agent before he makes his objection. If they are satisfied that every due inquiry has been made, and, in fact, in some instances, if the application has been made to the voter, that if he will give an explanation with regard to his qualification, the objector will withdraw the objection, it weighs very much indeed with the barristers, and they do not think that the objector ought to be subjected to costs in the case of fresh claims.

728. On whose side do you consider that the *onus probandi* ought to lie: on the side of the objector, or on the side of the claimant?—According to the Act of Parliament, as soon as the notice of objection is proved, the claimant is called upon to prove his qualification.

729. It was assumed by Mr. James in his evidence, and in this paper (which I daresay you have seen), that inasmuch as the proof of qualification is easy, and the disproof difficult, therefore the claimant should be bound in every case to make out his claim before he is entitled to be registered: do you accept that statement in all respects, and, if so, in what Act of Parliament do you find any warrant for it?—I consider that the claimant is the only person who can make his claim in the first instance, being the only person who would be aware of his own qualification. It is the present law, under the Registration Act, that the claimant has to make his claim in the first instance.

730. No doubt; but that is not quite the point. In what Act, or in what passage of the Registration Act, do you find it laid down, or from what passage do you deduce the doctrine, that every claimant is liable to be called upon to prove his vote before it can be admitted, and that he is not to be entitled to any costs in the event of the objection being groundless?—There is none.

731. As I read the Act, it distinctly states that where an objection is groundless (that is, I presume, made without sufficient ground), the claimant shall be entitled to costs; but I also understood from Mr. James's evidence that in practice that part of the Act is not enforced, but that a dictum has been received that in every case the claimant shall be bound to prove his right before he can be admitted: is that so?—It is not that he is bound to do so, but it has been considered by many barristers that there is no hardship in a claimant being called upon to prove his claim before he is put upon the register.

732. That is the interpretation which the barrister puts upon the Act, but is it borne out by the Act itself?—No. It is entirely within the discretion of the barrister with regard to costs.

733. Is that the natural construction which you would place upon the Act, which on the one hand gives every voter a right to object to every other man's vote, and on the other hand saddles him with costs if his objection shall prove to be groundless?—It is a matter entirely in the barrister's discretion under the Act of Parliament as to awarding costs, and as to the amount of cost awarded, not exceeding 20 *s.*

734. Does not the Act lay down that the barrister shall give costs if the objection shall prove to be groundless as well as frivolous or vexatious?—He has to exercise his own discretion.

735. He has to determine what is a groundless objection?—Yes; and he is entirely to exercise his discretion with regard to costs; he may either give them, or may not give them. It is under the 46th section: "It shall be lawful for the said barrister, in his discretion, to make such order as he shall think fit for the payment by such person of the costs of any person or persons in resisting such claim or objection or title."

736. Such costs as he shall think fit?—Yes.

737. Does not the Act clearly lay down that he shall, if he thinks the objection groundless or frivolous and vexatious, award costs, leaving it to his discretion what the amount of those costs shall be; is not that the construction? The words of the clause are, "That if in any case it shall appear to any Revising Barrister holding any court as aforesaid, that any person shall under this Act have made or attempted to sustain any groundless or frivolous and vexatious claim" (and so on), "it shall be lawful for the said barrister, in his discretion, to make such order as he shall think

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think fit:" does not that apply rather to the amount than to the subject-matter?—He must be well satisfied that the objection was groundless or frivolous and vexatious; it must appear to him that it was so; and many barristers do not allow the objection to appear to them to be frivolous and vexatious, if it be a first claim.

738. Is not the fair meaning of the word "groundless" an objection made without grounds? Supposing that a person objects to my vote, and knows nothing about me, and does not know whether my vote is a good one or a bad one, and takes his chance, if he turns out to be wrong, would not it be fairly considered a groundless objection?—I should consider it so.

739. Would you not consider that the barrister in such a case was required by the Act to award such costs as in his discretion he should think just?—Yes; provided it appeared to him as it appears to me. He has undoubtedly a discretion both as to his construction of what is a groundless and frivolous objection, as well as the amount of costs to be given in such cases.

740. Should you not consider it to be rather an evasion of the Act of Parliament if the barrister, as a general rule, putting a totally different construction upon the Act, and looking upon it in a different light to that which the Legislature contemplated, should decline to admit any such objections to be groundless?—I think that he has full power to consider them so, provided they are groundless, which is a matter entirely in his own discretion. It is, perhaps, rather difficult, by an Act of Parliament, to regulate that a certain thing shall appear to all barristers the same. Undoubtedly, under this clause, the barrister has a discretion to consider that such objections are frivolous and vexatious, and to award such costs as he may think proper, not exceeding 40*s.*; but the barristers do, as a matter of practice, in many courts, determine in their own minds, I suppose, that it is not frivolous, groundless, or vexatious to ask a man to prove his qualification in the first instance.

741. But the Act distinguishes between a groundless objection and a frivolous and vexatious objection. It takes two classes of objections?—Yes.

742. Does not it appear to you that a groundless objection stands in a different category from a frivolous and vexatious objection, and simply means an objection made recklessly, and without due grounds?—I think that if a barrister wishes to act rigidly, according to the terms of the Act of Parliament, he is fully justified in giving costs under any circumstances, whether it be a just claim or not.

743. Viscount *Enfield.*] Do you think that it would be impossible, in large constituencies, in the case of first claims for votes, to support all claims by *primâ facie* evidence?—In large constituencies, where no political agency is in existence, I think that it would be a perfect barrier to any person putting in his claim, unless there were a political association to assist him.

744. Could these claims be investigated in any other way than by making objections?—I think not in any way so good as by making an objection.

745. Do you agree with what Mr. James said with regard to the County of Middlesex, that when objections are taken by each of the organisations, the Conservative and the Liberal, and when evidence is sent to these respective associations, those objections are withdrawn, supposing that the two associations are satisfied that the evidence is fair with regard to the claimant's right to vote?—In a great many instances, and I think almost universally, if the agent is satisfied by a communication from the party objected to, he withdraws his objection; and I think that the amount of costs to which he would be liable, in a number of objections in a large constituency, is quite sufficient to induce a person to withdraw rather than be subjected to the costs.

746. Can you speak from memory with regard to the number of objections which have been made in any year within the last three years, and have then been withdrawn by the two associations on the receipt of such evidence?—I should think that in all probability, upon the average, about one-third are withdrawn upon receipt of the evidence and the information.

747. In what year was your attention first called to the Middlesex Register?—I think in the year 1859.

748. At that time, do you think that the register was a fair index of the persons who had a right to vote, or not?—No; I think that it was in a most imperfect state, and that it was, in fact, a disgrace to any persons who had been connected with the registration of the county.

749. Was that as much from an inaccuracy of description as from the want of proper qualifications to vote by persons claiming and upon the register?—As much one as the other.

750. Do you think that the register is now a tolerably fair index of those who are qualified to vote for the county?—I think so, taking so large a constituency, excepting that there are numbers of qualifications of which persons have not availed themselves by registration.

751. But you think that the persons whose names are on the register are tolerably well qualified to vote?—I think so.

752. Of course there are many people who could claim, and have the right, but have not done so?—I think so.

753. Then you believe that your work and that of the other association in the county, has purified the register, and made it a fair reflection of the constituency?—I think so; and that without that work it would have been in the imperfect state in which I found it.

754. Then the Committee may assume, from your evidence and that of Mr. James, that in large constituencies, if there were not political associations, it would be almost impossible to induce people to claim to vote, and to get the register to represent fairly those who are entitled to vote?—I think so; I think that without the political associations there would not be so many well-qualified persons upon the register as there are now.

755. That would not of course apply to small counties where the number of electors is not more than 5,000?—Not so much so; but in large constituencies, and particularly in large districts, the parties are generally men of business; they will not give the requisite time, or perhaps they have a disinclination to be troubled; they certainly would not voluntarily do it without continual assistance from the political associations.

756. Do you know anything of the registration in the West Riding and in South Lancashire, which have, I think, the largest county constituencies?—No.

757. With what other large county besides Middlesex

Middlesex have you been connected in the way of watching the registration?—In those counties with which I have been particularly connected the constituencies have averaged from 5,000 to 6,000. In East Kent I think there are 7,000; in Buckinghamshire there are 5,000; in Oxfordshire there are 5,000 and odd.

758. Have you reason to suppose that in large constituencies there are many qualified persons unregistered?—I know that there are a great number in large constituencies.

759. Do you attribute that to apathy on their part, from not caring to have a vote?—Entirely so.

760. And not to any difficulties which there may be in getting their votes upon the register?—No. I consider that the system which is at present necessary to be adopted is the most simple; and I think that any other duties for the claimant to perform, in addition to what he has to do now, would be an effectual barrier to his putting in his claim at all.

761. Then, on the whole, you think that at present there are no insuperable objections in the way of duly-qualified persons getting upon the register?—No; I can make no suggestion whereby the system could be improved.

762. Do you approve of the way in which the full amount of costs is given to voters whose claims have been objected to, and who substantiate them?—No. I perfectly agree with Mr. Elliott in his book upon Registration, that in awarding the costs there should not be any undue severity; because I consider that there would be a strong objection to preventing persons exercising their powers in objecting to a vote by a general infliction of the fullest amount of costs.

763. The full amount is not more than 20*s.*?—It is not; but in many instances a person may be objected to who lives over the way, opposite the very place to which he has to come to support his vote. I consider that to award 20*s.* to him for merely walking across the street would be perfectly in opposition to the Act of Parliament, because the Act of Parliament, as now framed, is that he shall be paid such costs as he shall have incurred. *H. Smith*, Esq. 4 March 1864.

764. Your remarks would not apply to those who are summoned from perhaps many hundred miles?—It is impossible to legislate for every distance at which a person resides from his qualification, and there are no doubt some hardships and inconveniences which some voters residing at a distance are put to, which are not met by the Act of Parliament.

765. May I assume that you think that the Revising Barrister should make a distinction between a voter who only comes across the way, or the distance of one street, and a voter who is brought up 50 or 100 miles to substantiate his claim?—No doubt.

766. But you do not approve of a suggestion which was made by Mr. James, that the penalty should be as much as 3*l.* in certain cases; you think that that would be an excessive and inordinate amount of costs?—I think so, particularly if the barrister chose to go to the amount of the penalty; it would prevent objections, and the consequence would be that in large constituencies, as well as in small ones, the register would be in the bad state in which I found it in the County of Middlesex.

Charles Edward Lewis, Esq., called in; and Examined.

767. *Chairman.*] You have been, I believe, for many years practically connected with the working of the Registration in the County of Kent?—Yes, for 10 years. *C. E. Lewis*, Esq.

768. In East Kent or in West Kent?—For 10 years in West Kent, and for two years in East Kent.

769. Have you been engaged in other counties?—Yes; not permanently; but I have attended the registration, I suppose, of six or seven other counties, and of some boroughs occasionally.

770. What other counties have you been concerned in?—Berkshire, East Sussex, and Hertfordshire. I do not remember the others at this moment. I have also attended to the borough registration of Reading on two or three occasions, and I have had other occasional engagements, not from year to year, but particular special engagements, made with me.

771. Are you at all concerned in the work of registration at present?—Yes; I am engaged in the West Kent registration, and have had the entire division of the county to manage for the Conservative party for the last seven years. This is my eighth year of the entire division of West Kent.

772. I believe that you have given a good deal of thought to the subject of registration, and the mode in which it might be amended?—Yes; I have a very strong opinion against the present law.

773. Will you inform the Committee whether you think that any considerable evils arise from the necessity which now exists of every man who wishes to be registered making his own claim?—I think that there is an evil in that; but I should state that my notion is, that the evil of the present system is covered by these two statements: that without the action of political parties the register necessarily is impure and defective, and that with the action of political parties great trouble is occasioned to the voter and a considerable expense to him, and there is a great practical loss of the franchise by the action of political parties. Within one or other of those two statements my views of the practical evils would branch. I think that the root of the evil of county registration law is this: first, that no man gets on the register until he has claimed; and, next, that he gets on as a matter of course merely by claiming, unless he is objected to.

774. Have you any remedy to suggest for the first of those evils; how would you assist a person entitled in getting on the register?—I need not say that it is impossible to apply the same remedy which you have in borough registration, because the right to be on a borough register is *primâ facie* within the means of any man's knowledge who is acquainted with the individual, and the house which he occupies; there is an essential difference between that and a county qualification. But I think that the present system might be very much improved by giving the overseers power to put upon the register persons who are *primâ facie* entitled, such as occupiers, to be upon the register. It would be far more difficult to extend that system

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system to the qualifications of ownership, in consequence of the many different circumstances which may infringe upon a person's *primâ facie* right: such, for instance, as a man owning a large estate, but that estate is in fact settled to the separate use of the wife; or a man having a small house, and in point of fact receiving no benefit from it, because it is mortgaged, and mortgaged for more than the actual value. I therefore feel that there is great difficulty in allowing the overseer to deal with the *primâ facie* ownership qualifications; but I see none which would prevent him, subject to the revision afterwards, from putting upon the register those persons who were *primâ facie* entitled in respect of occupation, any more than there is a difficulty in putting on a person *primâ facie* entitled in a borough in respect of occupation and rental.

775. Upon what does the occupation franchise depend?—The essential conditions are occupying as tenant, and paying a yearly rent of 50 *l.* or upwards.

776. How far do the valuation lists show those ingredients of the qualification?—The rate-book of parishes, which I suppose is really the valuation list, is excessively defective upon those heads.

777. I say the valuation list because, as you probably know, under the Union Assessment Committee Act, passed in 1862, the valuation list is now made out separately from the rate-book, and is particularly under the care of the Union Assessment Committee?—I have never seen one of those assessment valuation lists, and therefore I am speaking somewhat in the dark upon that point. (*The form of the valuation list was handed to the Witness.*) It is essentially the same as the old rate-book.

778. How far does it show the ingredients of the occupation qualification?—The first column shows the name of the occupier, the third column gives the description of the property, the fourth gives its situation, the fifth the estimated extent, which assists you to the estimated rental; the next column gives you the gross estimated rental; and the last column is also an assisting column, for it gives the rateable value. The way in which I should apply that is this: if I went into a certain parish, and found that there was a farmer who was carrying on business alone, apparently with no partner, and who had 150 acres of land (which I suppose, according to the ordinary value of land in the given parish, to be worth 1 *l.* or 25 *s.* an acre), unless I knew to the contrary, I should assume that he was occupying as tenant; and I should put him upon the register if he had no partner, so as to reduce the qualification below the required amounts. I give that as an instance: you may vary it in a variety of ways.

779. In an agricultural parish, probably, the overseer would know of his own knowledge, and would not be far wrong in assuming, that the occupier of a farm was the tenant?—The overseers know it almost as a fact. From my own inquiries for registration purposes, it is marvellous with what facility the mortgage of a man's property oozes out and is communicated to a man's neighbours.

780. And the "gross estimated rental" column would be a pretty fair indication of the rent?—Yes.

781. How far would that test be depended upon for the fact that the person paid rent to one landlord?—It would be an imperfect test; but in any alteration of the present system, there must necessarily be some imperfections, which will be compensated, to some extent, by the value of the alteration. This schedule would not show the fact; but it is perfectly well known whether Farmer Jones occupies under one landlord, or whether he holds of two.

782. I have been putting the case of an agricultural parish; how is it in an urban parish, in the case of houses?—In the case of a house, of course, it would be impossible for a man to hold of two separate landlords; he might hold of four or five trustees, but that would not have any effect whatever upon the qualification.

783. But would the overseer have the same knowledge as he has in an agricultural parish, that the occupier occupied as tenant?—Certainly not the same; but I will take urban parishes of small extent. I may instance, on the one side, the parish of Maidstone, in Kent, which is all one parish, where the means of knowledge would be very small, because it is so large, and it is not cut up. But, on the other hand, I may instance the case of Reading (which is known to the gentleman sitting behind me), which is cut up into three or four parishes, and where, therefore, the knowledge is more concentrated in the minds of the overseers, who have to deal with it. Take Canterbury, for instance, which is a very large city, with an endless number of parishes; I should think as many as 25. Every parish there becomes, in point of fact, equivalent to an agricultural parish; it is so concentrated, and the knowledge is so particular, that I believe there is no more difficulty in a man's doing it in the city of Canterbury than in any small agricultural parish. Having managed the revision for East Kent, in two very severely-contested years, I can speak to the smallness of the parishes, as an illustration against Maidstone. Maidstone is a case upon the one side, and Canterbury upon the other. Of course between those two points there is more or less difficulty, or facility, in doing the work in an urban parish.

784. Then you think that in the case of the Chandos Clause voters, the valuation list or rate-book would afford sufficient *primâ facie* evidence of the qualification to enable the overseers and political societies to tell who was entitled to vote?—Yes; subject to the duty which I would impose upon every claimant when he first goes upon the register to prove his right, which I would impose for the purpose of protecting the franchise, knowing as I do that, practically, without that it is utterly impossible to have a pure register.

785. In so empowering the overseer to put on a person entitled, would you allow him to make use of sources of information other than the rate-book?—Yes, in the same way that an overseer in a borough is not guided solely by the rate-book. Of course the barrister has power to punish a partisan overseer who takes care to put on all his political friends, and to leave out a great many of his opponents. If there is such a case as that proved, the barrister either fines the overseer, or deprives him of all his expenses, which I have known done.

786. If you leave it to the overseer to make use of any information which he possesses, it comes practically to leaving it to the overseer to put on any man whom he pleases to put on. The overseer might only seem to have made an error in judgment; he might say, "To the best of my opinion

opinion the man was entitled." Would not that be the effect?—That would depend upon circumstances. We will say that the overseer had, beyond the valuation list as the ordinary criterion, included some other persons, and could give no intelligible reason for having put them on; the inference would be that he had desired to favour them, and you might act accordingly.

787. Would you give the overseer the converse power of leaving out of the register any voter formerly entitled in respect of occupation, who, he had now reason to believe, had become disqualified?—I certainly would, for this reason, that he might be positively acquainted, upon the best evidence, with some disqualifying circumstance, such, for instance, as the following: We know that it is a common practice, and in some places more common than in others, for persons not to become formally the tenants of a house in order to evade serving upon juries. I have known this plan adopted, namely, a man living in a house with his sister, but he will not become the tenant, knowing that if he does he shall be summoned upon a jury; his sister becomes the tenant; he is kept off the Jury List, because he may have made it known that he is not a rated occupier, and so on, or his name may have appeared upon the poor-rate; the sister may have appealed, and there may have been evidence that she was the tenant; *primâ facie* the man is the occupier of the house, but the overseer may know most certainly and distinctly such a disqualifying circumstance as that.

788. In such a case as you have just put, would not the sister's name appear in the occupying column?—Yes; if that was actually correct, I would say that if the overseer knew of any disqualifying circumstance, I should allow him to make use of it just in the same way as he does in a borough. If a man does not pay his rates in a borough, the overseer has power to leave his name out; and hundreds of men are disqualified every year, by the overseers in boroughs saying that they look to the rate-book, and find that those persons have not paid their rates; and they strike them off, leaving the claimants, of course, power to come afterwards and say that they ought to have been on.

789. Supposing it were not found possible to extend the system of self-acting registration to any other than Chandos Clause voters, would it be worth while to introduce that system for that class of voters alone?—I think so; because they form a very large body, on every county register.

790. They form about one-fifth of the county voters throughout England, do they not?—I believe that that may be about the proportion, but let us test it by some of the larger county constituencies. Take the registers of counties of from 8,000 to 10,000 electors: if it had the effect, in the course of ten years, of registering 1,500 or 2,000 persons, it would accomplish a great object; but there is this objection to it, namely, that where the registration is not attended by either political party, there are hundreds of occupiers who never get on the register at all: they will not take the trouble, or, if they do, the overseer, if he is not looked after, perhaps does not publish them.

791. If this system were introduced for occupation voters, should you propose to divide the county register into two, as is the case with borough registers where there are freemen and occupiers?—I see no reason for the published list being divided into two when it becomes a register; but as to the list published on the church doors, the overseer might publish, in the same way as now, the old list, and also the list of persons to be added. When it comes before the Revising Barrister, he now sends it to the Clerk of the Peace, and the Claim List and the Old Voters' List are now compounded by the Clerk of the Peace without any alphabetical order.

792. From your experience of the overseers generally, can you say that they can be sufficiently depended upon for the absence of political bias to carry out such a system of registration with fairness and safety?—Speaking generally, I should say always, for this reason: if there is no political action of parties, the bias of the overseers is not strong; if there is, it is pretty well remedied by their being looked after.

793. The effect, in that case, would only be to give a certain advantage to the overseers' friends, which might be corrected by greater exertion on the other side?—I should not myself, from my experience of overseers, much fear that where there is the checking of political action, an overseer could carry that out except to the smallest possible extent. If it is only mentioned before the Revising Barrister, by either of the agents, that there is reason to believe that the overseer has done anything from party motives, it meets with such condign censure and punishment that the overseer never does it again.

794. Are you acquainted with the registration clauses of the Reform Bill introduced by Lord Derby's Government in 1858?—I cannot say that I recollect them all, but my general idea was that they were very imperfect.

795. Do you know whether it was proposed by that bill that Chandos Clause voters should be registered in the manner which you suggest?—I cannot say that I retain that fact in my memory, but I know that my suggestion was before the framer of that Bill with reference to this very point.

796. Is it not the case, as a matter of fact, that the Chandos Clause voters are more seldom objected to than any other class of voters?—I should say that, where there is not a kind of invariable course adopted of objecting to new claims, they are less objected to than the others, because it is a more obvious qualification.

797. Therefore, they are the class of voters who stand the least in need of aid to come upon the register?—Putting it in that way, I should say, yes; but I think that the great evil of the present system is, that no man gets on without action on his own part, and then he is too frequently struck off from action on somebody else's part, and from his not having sufficient time to give to support his franchise; therefore, I should say that anything which alleviated the present want of self-action in registration would be good.

798. As to other classes of voters: could any other classes of voters, in your opinion, be registered by the same instruments as you have suggested?—I cannot say that I have sufficient confidence in that plan being extended to any classes of franchise relating to ownership; I think that, probably, it might introduce a great many evils, and I should decline to commit myself to extending it so far as to register owners. I should like the experiment to be tried first with regard to occupiers, the distinctions being so subtle with reference to owners. Take, for instance, a claim to a leasehold qualification; the assignee of a term

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term of sufficient extent is entitled to be on the register; if he is under-lessee he is not entitled to be on the register unless he is in possession. Take, for instance, copyhold and freehold qualifications; there may be trusts in settlements, and so on, which may destroy the qualification. I need not say that, with regard to incumbrances generally, it is frequently found that a man *primâ facie* entitled is not entitled, so that I think there would be a greater chance of danger than of good, taking the balance of the result, in extending the plan to owners.

799. You do not think that even owners of 10*l.* value and upwards could with safety be registered in accordance with your suggestion?—I am afraid of it; I should not myself think that it would be advisable. At one time I thought that it might be done, but I have changed my opinion after deliberation upon it.

800. You do not think that it could be safely done in cases where the owner is also the occupier?—Then the question would be, Is he to be registered as owner, or is he to be registered as occupier? I should hardly extend my previous view to that case. If he was apparently qualified as occupier, I should say, put him on as occupier.

801. I was looking to the case of certain freeholders who are qualified; if they occupy, you would then have the man on the spot, and the circumstances would be better known?—I can only say that the inclination of my opinion is against dealing with any other than the occupation qualification in the independent and original action of overseers; I should not be inclined to extend it beyond that.

802. Do you think that there would be any unfairness in giving that particular class of voter, namely, the Chandos Clause voter, an advantage over all the classes of voters?—Surely, there can be nothing in that; it so happens that he has an additional facility, because he possesses that class of qualification. If a man is an occupier, he has the advantage; if he is not, his qualification, the only qualification which he possesses, is left in the way which the law prescribes.

803. Have you sufficient recollection of the registration clauses in Lord Derby's Reform Bill, to know that it was proposed under them to register owners?—No.

804. How do you propose to remedy the present evil of persons getting on the register upon an altogether fictitious ground, or for an insufficient qualification?—I would require every man, on coming upon the county register, to prove his claim.

805. As a matter of necessity?—As a matter of necessity; that is to say, if he did not prove his claim voluntarily, I would allow him to be objected to without being entitled to any costs whatever on the first occasion.

806. You would make it optional with him to prove his claim or not?—Yes, I should let those persons who did prove their claims be marked distinctively upon the register as having proved their claims. If, being so distinctively marked, they had once proved their claims, and were objected to afterwards without success, I would make the objector pay substantial costs, and not merely formal costs.

807. Mr. *Locke.*] A man could not be on the register without proving his claim, could he?—Yes; he is now. It depends entirely upon a notice of objection being served whether any voter proves his claim to be on the county list at all or not.

808. *Chairman.*] In the case of a claimant who did not prove his claim, you would allow him to be objected to in the first instance?—Yes.

809. And the objector would not be liable to costs?—Not in any case.

810. You would look upon it simply as a challenge to prove the claim?—Yes. I think that the greatest cause of heartburning in the present system is the clumsy wording of the Act. The form is, "I object to your name being retained," instead of, "I require you to prove your claim." I will give the Committee a curious illustration of that. The objector-general whom I employ in my county invariably every year gets a certain number of letters from the persons objected to, some of them, of course, of the most insulting description, in which I find these words. I have frequently had a notice of objection returned with the words "I object" underscored, and the following words have been written: "Why should you object? What is it to you? What business have you to object to my name?" and so on. In reality, those few words have given rise to considerable heartburning, instead of saying, "I require you to prove that you are entitled to be on the list."

811. At present a voter who is once registered remains on the list for ever, unless somebody volunteers to object to him, does he not?—Yes.

812. Have you any remedy to suggest for that evil?—No; unless the overseers were called upon to make inquiries at certain stated periods, so as really to make their power of objecting a vital and living one, which in some cases becomes absolutely absurd; they never exercise it at all with regard to dead men. I would only suggest that every five or six years the overseer should be directed to make inquiries as to whether the person is *primâ facie* entitled, and that he should act by exercising his power of objection, with this additional provision, which I think essentially necessary: namely, that the overseer should give notice to the party just as much as any partisan objecting. It is, in my opinion, a great hardship and a great evil that a gentleman living in London who owns a house, say, in Northamptonshire should have no means at all of knowing that his name is objected to. He is told that, on some day in August or July, "objected" has been written against his name on the church door; but he never hears of it in time, and his name is struck off as a matter of course if he does not appear at the Revising Barrister's Court. The power of the overseers to object without giving notice to the party is a very great evil, and I would require that they should give notice to the party.

813. When a party is objected to now, is he not frequently put to inconvenience in attending to prove his vote?—Yes; great inconvenience.

814. Can you suggest any easier means by which he could now maintain his claim to his vote when he gets it?—I should allow him to support his case by affidavit. There is no reason why an affidavit should be received when you are going to decide the destinies of thousands and millions of property in the Court of Chancery, and why, in the case of a 40*s.* freehold, it is not receivable unless by consent.

815. How could a man now meet an objection by affidavit, inasmuch as the objection is entirely general?—I would alter the notice of objection, by

by requiring the ground of objection to be stated on the face of it. At the present moment, as you are aware, the form of the objection is merely, "I object to your name," and there is every conceivable objection: it is frequently a mere fishing objection. I would require the objector to state the ground of objection on the face of the notice, and then, if he is confined to that objection (which very much resembles the system of action of courts of justice), the elector knows what he has to meet. If I sue you for a debt of 50*l.*, I cannot, when the trial comes on, claim damages for a trespass; I am confined to the statement of my case, and the party would know how to meet it, and what evidence to tender.

816. I presume that you would allow an objector to state any number of ground which he pleased?—Certainly.

817. When they came before the court, would you treat each as a distinct objection, and give costs upon each?—No; I would treat the question of costs in a combined way; I would take the whole case. If the person was a voter who had proved his right once, and the objection failed, I should let reasonable costs be paid by the objector; if the claimant had not proved his right once, I would not give him any costs at all.

818. Would not the result be this: that an objector giving notice of objection would take care to specify every possible ground, so as to give himself every possible opportunity of striking off the vote?—It might be that that would be the way in which a coach-and-six would be driven through the particular Act of Parliament; but, nevertheless, I would require a man to specify the ground of objection, and you would know how to deal with the matter if wholesale grounds of objection, and every conceivable ground of objection, were taken merely for the purpose of hitting some mark.

819. Does not some inconvenience now arise, from the fact that a person is obliged to prove his vote or his claim at the court of the polling district in which the qualifying property is situated?—Certainly, that is so; because (I will take the county of Kent, for instance) it is a very great evil for a Londoner to have to go down to the court at Tenterden, which is nine miles from a railway station, and with four turnpikes upon the road. He might go, on the other hand, to Greenwich, the nearest Revising Barrister's court, and prove his case with the greatest possible facility; and I would allow a provision to be made, that persons objected to might give notice, some days before the revision, that they intended to have their cases taken at the nearest polling-place where the Revising Barrister sat, just in the same way as they are entitled to be registered to vote at the nearest polling-place. That could be done with very little difficulty.

820. You would enable a voter to obtain that privilege by claiming it?—Yes; it would essentially require that notice should be given beforehand, because otherwise the barrister would not know his work, nor would the agents know the cases which they had to meet.

821. Would it be an advantage if it were required that each parish list should contain not only the names of persons qualifying for property within that parish, but the names of persons residing in that parish and qualifying for property in other parishes?—The advantage would not be to the voter; the advantage would be to the candidate, and to the registration agent.

822. Would it be any disadvantage to the voter?—No.

823. Supposing that that list were made use of for polling purposes, a voter would then naturally poll in the place where he resided; would not that be an advantage to the voter?—He can claim now to poll anywhere, which I think is better than his being compelled to vote where he resides; if he lives out of the county, he can claim to poll at any polling-place which he selects.

824. I was not speaking of outvoters, but of voters residing within the county, who live in one parish and qualify in another; would it not be a convenience to them, without the trouble of making any claim, to be so registered as to poll in the place where they reside?—If it were intended that it should be compulsory that they should so vote, I should object to it; I think that it would not be so convenient.

825. If it were not made compulsory, but if they were left at liberty to do it, would it not be an advantage?—It might be an advantage. You could not, of course, leave it to be decided after the register was made up, because it would otherwise involve the possibility of a man's voting at two polling-places for the same qualification.

826. I suggest that he should be confined to voting in the place where he resided, unless he made a special claim to vote elsewhere?—I cannot see any objection to that.

827. And it would be a great advantage to the candidates and to the registration agents?—Yes; but I doubt whether it would be any great advantage to the voter.

828. A suggestion has been made that the clerks of the unions might be better persons to employ to make out the registration lists, more particularly if self-acting registration were introduced, than the overseers; have you any opinion upon that subject?—I am strongly of opinion that in a vast number of the country parishes the overseers are utterly disqualified for the duty. Lists, which I could bring before the Committee, would tell upon the face of them that the overseers, literally, are not sufficiently educated; that in many parishes there are not men to be found to take the office of overseer who are sufficiently educated to perform the duty. I am strongly of opinion that they are not the best persons; and my idea is that the clerks to the unions would probably be the best substitute, because they are brought into communication with parish officers.

829. Would the clerks of the unions possess a sufficient local knowledge?—They are brought into communication with the parish officers; they are brought into communication with the leading men in each parish; and if it were their duty to do it, I would require that they should inform themselves sufficiently to be able to do it properly. They might collect the information from the overseers, and the making-out of the list would follow upon that information being got.

830. Supposing that the Chandos Clause voters were registered as you suggest, that information must be got from the overseers?—Yes; I would require the overseer to furnish that information to the clerk of the union, and I would let the clerk of the union put it in form.

831. There is no power now to summon a witness to attend the Revising Barrister's court?—No.

832. Does any inconvenience arise from that?—Cases are most imperfectly decided. I will

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mention a case which came to my own knowledge. I would rather not mention the name of the barrister or the name of the constituency, but I will give the Committee the exact facts. Last year a large number of persons were objected to as having mortgaged their property to a building society, and by the law, as it then stood, some 30 or 40 of them were supposed to be disqualified. The information was got from the best source. When the first case came on, the barrister required distinct evidence to be given of the mortgage; of course the mortgage was in the possession of the building society's officers, and there was no means of getting at it. The barrister would not allow the voter to be asked the question, "How much have you mortgaged?" He said that it was a written instrument, and that the fact could not be proved in any other way. The secretary of the building society, who was there with the books, was immediately shuffled out of court; and every one of those men who were believed to be disqualified stood upon the register, and stand now upon the register. Therefore, I say that it is a monstrous defect to allow the franchise to be treated in this way, and that you cannot compel the very man who can prove a disqualification to come up. Why should you not have the same power as in a petty county-court to subpœna a man to tell the truth? There is no power in the world to compel a man to come.

833. Would you give the Revising Barrister the power to fine for non-attendance?—Certainly; otherwise the power to summon would be valueless.

834. You would give the barrister the power of summoning witnesses?—I should either give the barrister, or the clerk of the union, or some other person power to issue a subpœna, just as we can issue a subpœna at the Crown Office.

835. Might not it be used as a means of annoyance?—Not if you were compelled to give a witness some money, if he came from a distance, just in the same way as upon a subpœna. You could not prevent, in any given case, an evil arising; but, generally speaking, it would work well.

836. Great inconvenience now arises from the number of points on which objection may be taken. Have you ever considered the possibility of providing for the correction of the register by some official instrumentality, and leaving individuals to object only on the ground of disqualification?—I would not allow any objection to be made at all, except one of an essential character, one which went to the root of the qualification.

837. Then how would you provide for the correction of wrong names and addresses?—If the name of a person, for instance, was on the register, with an address which he had left ten years ago (which is not an uncommon case in some county registers), I would allow the objector to give notice, and say, "If you do not reclaim at the forthcoming revision, and put your address right, I am at liberty to object to you;" but I would not allow him to object only upon that ground in the first instance. It is essential that the register, to be of any use at all, should be a correct register; because I need not say that if a man's christian name is so slovenly entered that "James" becomes "Joseph," and if his address also is so slovenly entered that the address which he had ten years ago is still kept on the register, the means of identity become positively destroyed. "James Smith," living in "High-street, Whitechapel," has no sort of connection, apparently, with Joseph Smith, who may be in Mount-row, Lambeth; and yet that is the way in which the register becomes distorted from its original accurate condition, by not requiring it to be corrected from time to time. But I would not allow an objection to be made without first allowing the man an opportunity of putting the matter right. I would require the objector to state to the man, "Your name is on the register as living at So-and-so, and you do not live there; if you do not send in a new claim at the forthcoming revision, I shall object to you afterwards:" and if he did not, it would be no hardship to him that he should be liable to objection, just as if he had lost his qualification, and then with the power of putting it right before the barrister, as he has now.

838. Supposing that it is apparent on the face of the register that the description of a man's property is insufficient to qualify him, or that the description as to situation is insufficient to identify the position of the property: in such cases as those, would you pursue the same course as you have suggested with respect to correcting the addresses?—Yes; I would do it with respect to all those matters which are not essential objections, and do not deal with the subject-matter of the qualification. A large number of objections which are now made are not made upon matters which are fatal, unless they are made fatal by the voter not coming, and then off he goes from the list.

839. It has been suggested to the Committee that it would be well that it should be made the duty of the Clerk of the Peace for the county, whenever he received information from the overseers, or from other sources, that a voter's address was incorrect, or whenever it appeared to him that there was insufficiency on the face of the register for purposes of identification, or that there were any of those minor errors which you have spoken to, to communicate with the voter, calling his attention to the state of his entry in the register, and requiring him to correct it: is that a plan which in your opinion could be adopted with advantage?—There certainly can be no objection to the plan. I doubt whether it would receive much attention, but in many cases it would avoid further trouble, both to the voter and to any parties attending in the registration courts. I cannot see any possible objection to it, but from my experience I should say that it would be only a partial remedy; and I will give the Committee an instance of it. It is my practice in West Kent every three years to cut out from the register the whole of the registration line relating to the voter (if he is a political supporter of the side for which I act), and I send and ask him whether it is right; but you would be astonished at the comparatively few who answer the letter. I sent such letters last year in West Kent to the whole of our supposed Conservative voters upon the register; and I suppose that, out of about 4,400 or 4,500, I got answers perhaps from not above 600 or 700. I stated to each of them, "That is your name on the register; be so good, in any case, to write me a letter saying whether it is right," because I wished to keep it perfectly accurate. I believe that we got an answer from only 1 out of 7.

840. With respect to those who did not answer, were the entries found to be wrong?—You could not by any means say that they were wrong; but there

there were some notable instances which occurred in the last year of persons being objected to on the very ground of change of residence or imperfect description who did not answer my circular, and, therefore, were not put right.

841. You found a great many who were wrong who did not take the trouble of setting themselves right?—Yes, and when I saw them afterwards I said, "How foolish it was of you when I wrote you a letter months ago for the purpose of avoiding this, not to attend to it. You now come and make a great bluster at being objected to, and all that, when you had an opportunity by simply writing 'Yes' or 'No' of being perfectly right."

842. Out of the 700 who answered you, how many answered that the entries were wrong?—I think that I corrected at least 200 last year from the answers to that circular. The observation of my opponent was, "I see that you have been very active in correcting your addresses this year." Directly that the new claim lists came out he could see what I had been up to. I believe that 200 at the least were wrong.

843. Then you think that if the Clerk of the Peace made these applications which you suggest, practically very few would notice it?—It would only be a partial remedy. I should say that very few would take notice of the application—probably one-third or even it might be that when the thing was new before it got to be a stale sort of circular, a greater proportion than one-third would take advantage of it. Gradually people would think "It is one of these circulars, I shall not take any notice of it."

844. Therefore you think that it must still be left open to objectors to object on the various grounds upon which they can object now?—Yes, I think so with those guards which I have mentioned against objecting merely on a technical ground without giving a man an opportunity of putting the matter right.

845. When a voter had once proved his claim, I think you said that you would let any objector object to him at his peril?—Yes, and if he failed, I would give the voter substantial costs.

846. What amount of costs would you go to?—If a man travels from Cambridge to Canterbury, and is then told by the barrister, "I can only give you 1 *l.*," I call that unsubstantial costs. I would give him actually what it had cost him on a reasonable scale, and I would give the barrister the power, in the case of a man who was a tradesman or a professional man, where his time was his money, to award an allowance for loss of time.

847. You would give him costs out of pocket and costs for loss of time?—Yes. If the system which I advocate were adopted, of always requiring a man to prove his right once, and if he had not proved it, of rendering him liable to objection without the peril of costs, I would then say that if he was objected to after he had once proved, and that objection failed, I would make the objector pay whatever the necessities of the case required.

848. If you allowed costs in that way, would not the effect be that nobody would venture to object to a voter living at a great distance?—I do not think so.

849. Who would risk objecting to a voter who lived in Scotland?—I think that you would be very careful before you did it.

850. Would not the effect be that out-voters, who lived at a great distance would have a much greater security against objections than persons who resided near the town?—It is possible that it might be so, just in the same way as one is afraid of attacking a large railway company by an action; you would sooner bring an action against a private individual; large railway companies have a sort of immunity from their position, compared with other persons; but I should not hesitate to say that in a closely contested constituency like West Kent, for instance, where the majority invariably is very close either way, I should tell the parties who instructed me, "You must give me a margin every year of 300 *l.* or 400 *l.*, you must not push me too close to the wind merely because I am afaid of bringing a man from Scotland," just in the same way as you bring a voter from a long distance at an election time. It appears to be a sad sum to pay in order to bring a man, to give him a railway ticket all the way from Edinburgh and back; but I am quite sure that I am speaking the experience of every one acquainted with elections, when I say that you do not value that a feather's weight at the time; the man must come in order to vote.

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851. Have you any suggestion to make as to the present power of appeal from the decisions of Revising Barristers?—That is a very difficult subject. My own experience goes this way, that the more able the barrister and the more easy the appeal, the less reason for it; and the more ignorant (if I might use the expression) the more inefficient the barrister, and the more difficult the appeal, the greater the reason for it; and I can mention some most flagrant cases of a barrister protecting his decision by refusing an appeal upon a question, which was a question essentially of law. I believe that it is difficult to provide a remedy, and say that you shall have an appeal as a matter of course; but the present system certainly enables a barrister to protect himself when he feels that he has given an infirm decision; he protects himself by saying, "I will not allow you to appeal;" and, without mentioning names, I have known personally of decisions for me as well as against me (I am not referring only to decisions against me); most flagrant decisions protected in that manner; and I need not say that is is perfectly well known, especially under the old system, when it was considered a kind of rule that, when a Revising Barrister was once appointed, he should always be re-appointed; that there were some cases of barristers who had not the confidence of the profession, who had not the confidence of their own branch, and not the branch to which I belong, but who were consinued in the office from time to time, and protected themselves in the way I suggest. Lord Chief Justice Cockburn, I believe, is one of the first who has broken that rule; he will not appoint a man merely because he has been appointed before, and during the last three or four years he has turned out two or three upon the Home Circuit.

852. Mr. *Locke.*] Do you think his appointments good?—I think that everything which the Lord Chief Justice does is good.

853. *Chairman.*] There is no appeal from the decision of a Revising Barrister upon a question of fact, is there?—It is difficult to draw the line between a question of fact and a question of law. It is quite a fallacy, under the present system, to say that there is no appeal upon a question of fact, because, if you take any number of decisions reported in Lutwyche, you will find that according

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ing to the construction which you put upon the facts reported in the case the question turns, and not upon a mere dry question of law.

854. Is there a great want of uniformity in the decisions of barristers, particularly as regards costs?—Very great indeed.

855. How would you propose to remedy that?—I am afraid that the only remedy is that which would be worse than the disease. My belief is, that a want of uniformity of decision in all courts, arises when there is not a good Bar. I will take, for instance, a court with which I have a great deal to do, namely, the Court of Bankruptcy. The want of uniformity of decision there is a perfect scandal; it is because the Bar has not sufficient influence with the bench. You cannot arrive at uniformity of decision, unless the judges really have a sufficient check upon them.

856. Under the system which you have suggested, namely, that a voter should be protected who had proved his claim, and that objections should only be made on specific grounds, the question of costs would be somewhat simplified?—Yes; I believe that it would become a much smaller question than it is now, but, at present, one Revising Barrister adopts the rule of never giving costs to new claimants; another adopts the rule at the other end, as it were, and gives costs in almost every case where the objection fails. Some barristers have a sort of fear of giving costs, approaching almost, I might say, to a foolish kind of fear of it. They find that it works in this way: if a barrister is very severe with reference to costs, he invariably gets both the agents against him, and discussions upon the question of costs before Revising Barristers, just like discussions upon the question of costs in our branch of the profession, are generally the most vigorous matters, more vigorous than those upon the main point, and the consequence is, that a barrister who wants to get through his work, if he is a man of the world, if I might say so, is not very handy about giving costs; he brings down upon himself the punishment of very late sittings, cold dinners, and a variety of other matters which are not very convenient. And I could mention the case of a very heavy revision, where the barrister, after the first day or two, never gave anybody any costs; he never made me pay the costs of objections which I had to support, and which I was ashamed of when I found out the facts. He said: "I cannot give costs."

857. Would there, in your opinion, be any advantage in employing the county court judges to do the work of revision?—I do not think that it would be done properly; they have too much to do.

858. You think that they have so much work to do already that you could not add the work of the revision court?—The legislature is adding to them new duties every year, and if the present system goes on of sending everything to the county courts, they certainly will not have any time to attend to the work of revision.

859. That is, if other duties are added to them; but take them as they stand at present?—Many county court judges, are employed 15 or 18 days in the month; and although the revision by the barrister does not generally last above 16 or 17 days, still I do not think that it would be an advisable thing to transfer it to the county courts.

860. You have told us that there is a difficulty in registering owners; in your opinion, would it be desirable to supply additional information in the column of owners in the valuation list, so as to facilitate their being registered?—No; because I think that it would involve application to the assumed owner, who would probably feel a considerable tenacity with regard to giving particulars as to what sort of ownership he had. If the overseer asked him, "Are you the owner of this house?" I think you would find that most persons would say that it was infringing upon their privilege.

861. You think that persons would rather be left to make their own claim to be registered than submit to that cross-examination which would enable them to appear on the valuation list with a sufficient description to be registered?—I think so.

862. The remedy would be worse than the disease?—I think that they would object to it; they would much rather be put to the trouble of claiming than be asked, "Are you the owner, and if so, are you the sole owner?"

863. I think you said, that at one time, your opinion had been favourable to that mode of registering owners?—Yes; it was involved in my plan originally, but I think that it would be going too far: I think that it would fail.

864. Mr. *Hunt.*] With respect to the distinction between the valuation list and the rate-book, the valuation list which has been alluded to is the valuation list made under the Union Assessment Committee Act 1862?—Yes.

865. As soon as that is finally settled and the time of appeal is over, the rate-book is obliged to be corrected according to that valuation list?—Yes.

866. So that, in fact, the valuation list, as finally approved and delivered to the overseers, is transcribed into the rate-book?—You may have two sources of the same information.

867. Not so; the valuation list supersedes the valuation in the old rate-book; it is transcribed into the parish rate-book, and all rates are made upon that valuation?—It makes the rate-book complete, in point of fact.

868. Under the 28th section of the Union Assessment Committee Act 1862, all rates after the valuation list is finally approved and delivered to the overseers, have to be made upon that valuation list?—Yes.

869. So that it is virtually the same as the rate-book?—Quite so.

870. You see no practical difficulty in the overseers or any other official persons registering those who have the Chandos clause qualification?—No; I think that it would be a great improvement and a very great amelioration of the registration system.

871. But you do not see your way to persons having any other qualification than that, being registered officially by the overseers?—No, I think not; that is the conclusion at which I have arrived.

872. Could you tell by the rate-book whether a person holds under a lease or not?—No; I apprehend that this valuation list does not comprise any such information.

873. It would be possible for a leaseholder for a long term to have a vote, though his rent did not amount to 50 *l.* a year?—No doubt, if he had the improved value required by the statute.

874. So that if an occupier was a leaseholder and had a qualification under the statute, on account of the length of his lease, he would not appear

appear as a voter under the Chandos clause qualification?—No; they are distinct qualifications; a man had a little leasehold cottage, for which he paid 10 *l.* a-year, and if the term was 60 years, and the improved value was 10 *l.*, he would be entitled to have his vote, but the length of the lease is a hidden subject.

875. The rate-book would not furnish the overseers with information upon that point?—Certainly not. The length of the term and the fact whether he was really the lessee or the assignee of the lease, would not be known.

876. Supposing that your suggestion were to be carried into effect, do you think that the "gross estimated rental column" ought to be the column to which the overseers should look in ascertaining who ought to be put upon the register?—I do.

877. In the case of a man having a lease, or who claims a lease under some arrangement with his landlord, having expended money on his occupation, might not his property often appear in the "gross estimated rental" column as of the full yearly value of 50 *l.*, and yet he not pay 50 *l.* rent?—Certainly it would be liable to that over-estimate of the right of the voter to be on the list, but it would, of course, be subject to the correction which I have suggested.

878. But that is not an uncommon occurrence?—No.

879. Supposing that the overseers were officially to put on the register all persons, the gross estimated rental of whose holding or occupation amounted to 50 *l.*, it still would not give an entirely accurate account of those persons?—No.

880. They would be liable to be objected to, and very often struck off, on account of their rent not amounting to 50 *l.*?—No doubt they would; that net would not draw home bad fish of two or three sorts. It would probably include freeholders, having no right to be on the register as occupiers; it would include occupiers not paying sufficient rent; but the general result would be, that there would be a great number of objections to that class of voters.

881. At the same time, it would not dispense with the correction of the list by registration societies, or other persons interested in having a correct register?—Certainly not.

882. You say that you think that overseers ought to resort to other sources of information than the rate-book with regard to these cases, in order to put them on the register?—I do not say that they ought to be bound to resort to them, but that if a case came to their knowledge of a person not being upon the rate-book, they ought to be at liberty to use that knowledge by inserting him as *primâ facie* entitled.

883. Supposing that they put on all persons appearing by the rate-book as occupying property, of which the gross estimated rental was 50 *l.* a-year, they would be merely performing a ministerial act?—Yes.

884. But supposing that they went beyond the rate-book, would it not be opening the door to favouritism?—Certainly it would be opening the door to possible favouritism, but I do not think that it would come to anything serious.

885. Do you not think that overseers would look up the persons who were of the same politics as themselves, more than they would look up those on the other side?—I do not think that that evil is very generally complained of in boroughs, and there is the greatest possible power to exercise it. Sometimes there are three or four overseers—they are generally pretty evenly divided, and one looks after the other; and if an idea gets about that John Jones, the overseer, is a very strong blue, he is generally put in harness with a pink, and he will be looked after.

886. With regard to the persons who have a qualification given them by the Chandos clause, do you not find that, through the instrumentality of their landlords, or their landlord's agents, they generally get their names put upon the register: they are very seldom omitted, are they?—Are you speaking of the farming class?

887. Yes?—If there were any registration society organised, I am quite satisfied that there would be a vast number off the register if there were the prospect of an election. That is my common experience.

888. Should you not say that they are the class of voters the least often omitted from the register?—Probably that is so. They are more looked up, and, in proportion, more of them get on the register than of the occupiers in towns. Taking London, for instance (I am saying it in fear of the gentlemen behind me), I say that I do not suppose that there is any class of electors where there is a less proportion registered than of those without the circle of the metropolitan boroughs. Take, for instance, persons just outside the Borough of Marylebone, and in the north of London, or in the south of London, I suppose that of the large numbers of those persons, hardly anybody is registered.

889. Is not that owing to the peculiar circumstances of the constituency situated in those parts, that the vote is not of so much consequence there on account of the great number of the constituency?—Am I to understand your observation to apply to Middlesex?

890. Yes. Is not a vote of value according to the number of the constituency?—I never heard it stated as a theory in Middlesex, that a vote was of no consequence.

891. I will not confine my question to Middlesex, but where a constituency is numerous, one vote is not of the same consequence as in a little borough, like Harwich?—No doubt.

892. Therefore it is not of so much consequence for persons to get upon the register?—They individually do not think so much of the vote. If a man went to reside in the borough of Harwich, and had a vote for that borough, I should think it of great importance.

893. There a vote has a pocket value, I suppose?—Yes.

894. I am not speaking of money value, but of electoral value?—Quite so.

895. There is not the same object with persons in a large constituency to get their names on the register as in a small one?—No.

896. To go to another subject; namely, with respect to first claims. I did not quite understand whether, under all circumstances, you thought that first claims should be proved?—I do.

897. By the personal attendance of some one?—No; I do not say that, because I would allow a man, as I have stated, to give his evidence by affidavit or solemn declaration.

898. You have instanced the system of the Court of Chancery, where affidavits are in use?—Yes.

899. Under that system there is a means of cross-examination, is there not?—Yes.

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900. The other side can apply to examine on interrogatories the person making the affidavit?—No doubt.

901. So that you can, if you think it is an advantage, get a cross-examination of the person making the affidavit?—Yes; the way in which it would work with reference to a man proving his case by affidavit, would, I apprehend, be this, that unless it was proved to the satisfaction of the barrister (which are the words of the present Act of Parliament), if he thought that the affidavit was evasive, or if there were any *primâ facie* disqualifying circumstances set up against it, he would not consider the affidavit sufficient; he would have to be satisfied as to the result of the inquiry, and would not take as conclusive the fact of a man making an affidavit in support of his claim.

902. The barrister would have no opportunity of doing that until the case came before him?—No doubt; but if a person who has the option of coming individually, chooses to send an affidavit instead, it may be that through not attending personally to prove his case, he may suffer some disadvantage; it is his own option as to whether or not he will go and make it perfectly clear that he will get his vote.

903. Affidavits are often very equivocal documents, are they not?—No doubt.

904. They sail very near the wind?—No doubt.

905. Might not an affidavit *primâ facie* disclose a good qualification; but might not an acute critic discover that some point had been evaded in the affidavit, or equivocally stated, on which further information ought to be obtained before the vote was allowed?—Yes; and I should say that even that would be an improvement upon the present system, because the present system involves this: that many of the Revising Barristers receive the statement of a third person, who comes forward and says, "I know that Mr. So-and-So is the owner of that house;" he is asked "Do you not know that he has settled it upon his wife?" The reply is, "No, I know nothing about that;" then you cannot prove that fact, and the man gets his vote.

906. Supposing that a first claim was made and supported by affidavit, and that an objector, or some one appearing on his behalf, pointed out at the Registration Court that that affidavit evaded some point upon which there ought to be information, and that the voter, or some one on his behalf, ought to be called up to supply that information, what, under your system, should the Revising Barrister do; should he consider the claim as proved, or should he consider the claim as not proved, or should he adjourn the inquiry?—If there was a material point not proved, I apprehend that it would be his duty to reject the claim and allow the voter to prove it at the next revision. It would all stand upon this; the option would be given to the voter to come personally. Supposing that I were a Revising Barrister, and I found that a man living in the same town where I was sitting, instead of coming himself sent an affidavit, unless there was some good reason given for it, if from any criticism of the facts stated in the affidavit doubt was thrown upon it, I should judge that man much more strictly than I should a man sending an affidavit from a distance. Of course all these are matters which a barrister of knowledge and experience and steadiness of mind can deal with as they arise. I see no difficulty in a man making an affidavit saying, "I am the owner in fee of No. 64, High street, there is no encumbrance upon it; it is not settled, and I receive the rents to my own use;" or "I am the sole occupier at a yearly rent of 56*l.* I do not underlet anything. I pay that rent to one landlord, and his name is Smith." Then if an objector gets up and says, "I will prove to you that that man underlets a particular field for 10*l.* a year, and therefore according to the law he is disqualified;" and if you get extrinsic evidence of that, of course it will be the duty of the barrister in such a case as that to reject the vote. If the claimant says "I will let my case rest upon an affidavit," he must be just like every other man who, instead of attending to a matter himself, does the second best thing.

907. He would take the chance whether the affidavit was sufficient or not?—No doubt.

908. It has been suggested by previous witnesses that the objector in cases of objection should state the grounds of objection; have you anything to suggest upon that head?—I have stated that I think that that is an essential improvement in the law.

909. How do you get out of this difficulty. I think that the suggestion is a good one, but this difficulty occurs to me, that objectors might state every possible ground of objection in their notice of objection; in fact, it might be a mere printed form: I object to the statement of your name; I object to the statement of your place of abode; I object to your qualification; I object to the description of your qualification; I object to your qualification, on insufficiency of value; I object to it by reason of your want of title; I object to the description of the situation of your qualification; all that might be in a printed form?—With submission, I should not allow such an objection as that. I would require it to be in such a form as the following; "I object to your name, because your name is not James Smith, it is Joseph Smith; I object to your address, because your address is not 10, High-street, Whitechapel, it is 40, Houndsditch; I object to the situation of your property, because you say that it is in Nicholas-lane; it is not in Nicholas-lane, it is in Clement's-lane; I object to the description of your property, because you claim for 40, Nicholas-lane, it is not 40, Nicholas-lane, it ought to be 32, Nicholas-lane."

910. Mr. *Locke.*] Would you state that?—Yes.

911. Mr. *Hunt.*] Would you allow an objector to state all those grounds of objection in his notice?—Yes. This answer, of course, is subject to the remark which I made in another part of my examination, namely, that I would not allow any of those objections to be made, without a preliminary warning to the voter; but coming to the stage of objection, I would require the objector to state those things. A man sues you for goods sold and delivered, but the question is, what goods were sold and delivered? when were they sold and delivered? That is what you required in a court of law.

912. You want particulars?—Yes.

913. Would you require a man, in his notice of objection, to state the particulars of his grounds of objection?—Certainly.

914. And might those grounds of objection include every single column in the register?—Yes, if there were grounds of objection.

915. Would any injustice be done by giving a man

man his choice between objecting to what you call the root of the qualification, and objecting to the other columns of the register, namely, the insufficient setting out of the voter's Christian name, or a mis-statement of his place of abode, or a misdescription, or an insufficient description of the situation of the property,—would any injustice be done by giving him the choice, whether he would take a substantial objection, or a mere technical objection?—I think that it is rather an injustice to call a man up to attend the Revising Barrister's Court, merely because his name or address happens to be incorrectly entered; I think that if he had a preliminary warning, and he did not choose to correct the error, he could not complain of being objected to.

916. Would it be any injustice to an objector, supposing you said that he should either take the objection on merely technical grounds, that is to say, a mis-statement of the place of abode, or a misdescription of the place of qualification, or that he should take it on a substantial ground, that the man had not the qualification?—I understand your question to be, whether it would be an injustice to an objector that he should not take both substantial and technical objections; I think that it would be rather unjust if a man is open to both classes of objections, to confine the objector to one.

917. Supposing you allowed an objector to take every ground of objection in his notice, what difference would there be between that and merely giving a general notice of objection?—Because, at present, the working of the system is just this; I take objection to a particular voter, A. B., the law then throws upon him the onus, without my stating any objection whatever, of proving his whole qualification. Directly the notice of objection has been proved, the law requires him to prove that he was, on the 31st day of July, so-and-so and so-and-so, entitled; I may then fish out the information as best I can; I may put a stray question by way of a stray shot, and may hit upon some objection of which I had not the smallest notion in my mind, and many objections are made, I have no doubt, upon the faith and belief that, out of 200 objections, perhaps in 30 or 40 cases, when you get the man into the box you will be able to detect something which disqualifies him; I say, on the other hand, that that is encouraging frivolous and wholesale objections, and I would, therefore, require every objector to state specifically what his objection is, and that he should be kept to it.

918. That is to say, justice to the voter or claimant requires that he should have specific information as to the point upon which he is to be attacked?—Yes.

919. That is fair; but I still do not get out of this difficulty, that if you allowed an objector to state every possible ground of objection, the voter or claimant would have no more information than he has at present as to what the objector is going to rely upon?—He would know this; taking what the objector states upon the face of his notice of objection, he would make himself perfectly easy if he knew that his address was right when it was stated that it was not right, and if he knew that his name was right when it was stated not to be right, and so on.

920. I will compare, as I have done in the examination of another witness, to an election petition. An election petition states every possible objection to the election?—Yes.

921. And that is really no information to the sitting Member, because every ground upon which the election can be invalidated is stated in the election petition; but subsequently the persons seeking to invalidate the election have to deliver in particulars of what they are going to rely upon?—Yes.

922. How would you get at the same means of giving information to the voter by giving him specific particulars as to what the objector is going to rely upon?—I should suggest that you do give him particulars in the way that I have stated, because the objector would say, "I object to your name being upon this register because you are wrongly described in the following respect."

923. Supposing that you got a notice of objection in the following terms, "I object to your name as not appearing rightly upon the register. I object to the statement of your place of abode upon the register. I object to the nature of your qualification as described upon the register. I object to the sufficiency of value in your qualification. I object to the statement of the situation of your property." Supposing that you got a notice of that sort, and that you were going up to the registration court, should you know whether you would have to bring your title-deeds or not?—If you will pardon me, that would not be the notice of objection, as I should require it to be framed. As I have already stated, I should require it to be framed in this way, "I object to the statement of your address upon the register, because you do not reside at such and such a place as stated upon the register; but you reside at such and a place."

924. Mr. *Locke.*] You would give him the information?—I would give him the information which the objector meant to bring up affirmatively against him. To say, "I object to the statement of your address" would be nothing more than at present, but "I object to the statement of your address, because you do not reside where you are stated to reside, but you do reside at so and so," would give him all the information.

925. You would give him the correction?—Yes.

926. Viscount *Ingestre.*] And he could correct it without any trouble to himself?—He would know what he had to answer, he would say "I will send my wife or daughter who can prove where I am living, and I need not go myself."

927. Mr. *Hunt.*] I understand you to say distinctly that you would make the objector give information affirmatively why he seeks to impugn the statement in the register?—Quite so.

228. You have suggested that in consequence of the ignorance of some of the overseers in some parts of the country they cannot efficiently perform the duties?—Yes.

929. And you have suggested that the clerks to the unions would perform them better?—Yes.

930. Are not clerks to unions generally attorneys practicing in the districts or thereabouts?—Frequently; but not by any means of course.

931. But they are so generally speaking, are they not?—Very frequently.

932. Are they, for instance, generally speaking employed at elections as agents on one side or the other?—It is impossible to say, no, but they are not more employed than any other solicitors.

933. Does not it frequently and usually happen that they are employed as election agents?—

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agents?—Yes, there must be many clerks to unions who are employed as election agents.

934. Would not that rather be an objection to their being employed officially to put the claims in order?—I think not; and I would answer that question by analogy. In most urban parishes the work which is said to be done by the overseers is done by the vestry clerks, and they are almost invariably either attorneys or persons who are engaged in elections; but you do not find that it works objectionably.

935. But the rate-book in boroughs is *primâ facie* evidence of the qualification of the voter, is it not?—It is no more *primâ facie* evidence than it would be here under my suggestion. The overseer in a borough is bound to make out the list, and makes it out from the rate-book, and that is what I am suggesting should be done.

936. He has not as much latitude as a man would have in doing the work which is now discharged by the overseer with regard to the county list?—There is no latitude now at all.

937. Would not that make a difference between the employment of an electioneering agent in making up the borough register and his employment in making up the county register?—It would not alter my opinion that, generally speaking, he is a fitting person.

938. I am not speaking of his qualification by education to do it, but as to his being disqualified by partisanship?—The protection which one would have against anything of that sort is very great.

939. You assume that all these matters will be under the supervision and eye of a registration agent?—Or of a barrister.

940. It has been suggested by previous witnesses that a voter or claimant, after having been objected to, might have an opportunity of correcting his claim or his statement of qualification in the register, before it came to the Revising Barrister's court; do you think that suggestion a good one?—I do not think that it is so good as the suggestion which I have already made, in ignorance of that suggestion of another witness, namely: that as to all these small and non-essential matters, no objection is to be allowed until you have first given a preliminary notice to the voter, that unless he puts himself right, he may he objected to; it is met by that.

941. That is very much the same thing?—Yes; which is the more convenient, it is not for me to say.

942. It is suggested, that after the objector had sent a notice to the person that he objected to, his name being put upon the register or retained upon the register, the person objected to might correct anything not going to the root of his qualification, and that that correction should find its way officially to the Revising Barrister, and that an alteration might be made in accordance therewith. What is your opinion on that point?—Assuming that the ground of objection is to be stated in the notice of objection, as I have already suggested, it would be very easy, with a view to making the preliminary technical alterations required, to provide that the voter should be able, by sending up a statement, signed by himself, to get the correction made without his attendance, to prove his qualification generally.

943. The difficulty which occurs to me in that suggestion is this: that supposing you allowed persons to correct these minor matters, upon being objected to, no person would have any object in objecting to them. Supposing that you were conducting the registration on one side or the other, and that you knew that if you objected to persons on account of their change of residence, misdescription, or insufficient description of their qualification, they could correct it by a subsequent notice to the overseer, you would not have so much object in making the objection?—You mean that the value of the objection as a party engine would not be so great?

944. No; because the agent on the other side would take care that all these matters were corrected, and you would be practically giving yourself trouble, with very little result?—Any registration agent who really likes his work would not feel satisfied with an incorrect register.

945. It would lessen your means of removing a disqualified voter from the register and therefore you would not have the same object in making the objection?—No doubt; the objection would be less valuable to you as a party engine.

946. Would not the practical result of it be that the register would be less accurate than it is at present?—Possibly that might be an evil which you would produce by it.

947. Do you think that anything could be done to meet that? Supposing that a person when objected to was to be allowed to correct the register on any of those minor points, but that that correction was to be accompanied by a small payment, would that be objectionable?—I should think that it would be very obnoxious.

948. It would be the fault of the voter, if he allowed an inaccurate description to be on the register?—No doubt; I should adhere to my original suggestion, namely, that I would give him the preliminary chance before objection, of putting himself right; failing that, I would allow him to be objected to, and only then would I allow him to be objected to, and then he should have to prove his address (or whatever the matter was) before the barrister. I would not give him any additional facilities, I do not think that there would be any occasion for it.

949. To go to another point, namely, with regard to the power of the barristers to inflict costs, do you think that they have a sufficient discretionary power as to costs?—They have a perfect discretion.

950. I mean as to amount.—I think that it is quite enough to say, with reference to the present system of allowing voters to get on the register as a matter of course, unless they are challenged, that, in my opinion, the power of giving 1*l.* costs is quite sufficient.

951. Mr. *Collins.*] I think you have said that you see very little more difficulty in registering 50*l.* occupiers under the Chandos clause by the overseers than in registering 10*l.* occupiers in boroughs?—Yes; very little.

952. I believe that you are aware that in many boroughs the parish and borough are not conterminous?—Certainly.

953. In that case, would not the overseer in a borough have the same power if he was a partizan of ignoring the fact whether a man's property was or not within that part of a township or parish which was within the borough?—No doubt.

954. Therefore, there are the same means of partizanships in boroughs?—Certainly.

955. That is one instance, and there are many others which might be alleged?—Yes; and it is perfectly well known, that party spirit generally runs

runs much higher in boroughs than in country parishes.

956. Therefore, on the ground of party feeling, you see no greater objection to the overseer, or the clerk of the union, registering the Chandos occupiers in counties, than you have to the overseer doing the same thing in boroughs?—Quite so. I do not think that there is any greater danger of party feeling in a county than in a town; if anything, I should say that it is the other way.

957. You have in Kent a large number of towns without separate members?—Yes.

958. I suppose that at Gravesend, and at Margate, the number of Chandos occupiers would be very large?—At Gravesend, and Tunbridge, and Ramsgate, very large.

959. Do you not think that nine out of ten of the occupiers at Gravesend, Tunbridge, and Margate, who stand upon the gross estimated rental of 50 *l.* a year, would pay 50 *l.* a year rent?—A very large proportion of them would, subject to this qualification. In many districts, there is a large collection of long leaseholds. Take, for instance, Plumstead, beyond Woolwich, the estate of the late Mr. Pattison, the Member for the City of London, is largely built over; most of the persons living there are not occupiers, in the sense of paying the qualifying rent, but they are most of them leaseholders.

960. Are not those facts generally known to the overseer of the parish?—Yes; thoroughly well known.

961. Do you think that any plan might be adopted, by which persons might have their residence changed, without sending in a new claim; for instance, that notice might be given to the sheriff, or to the Clerk of the Peace, that when he sent the list round to be republished, he should send it round corrected, according to the best information which he then had in his power?—I do not see any objection to that; but I can see no difference between that and making a new claim.

962. Is there not this difference, that in the case of amending the list, the elector would write and say "I have left West-street, and have gone to East-street," and he would not have to fill up four columns, which he has to do in sending in a new claim?—Yes; to that extent it is a relief.

963. That is a very simple matter, and a matter which almost every elector could do for himself, whereas the sending in of a new claim in the four columns would be a thing which, in nine cases out of ten, would have to be prepared by an agent for him?—Yes; to that extent it would be an advantage, and I see no objection to it at all.

964. And would not the working of such a system be this, that a given agent in a county would seek to be well acquainted with changes of residences, and then send them in to the Clerk of the Peace, and say, "I find that this is the correct residence," and then all those names would appear corrected without the trouble of sending in re-claims?—Yes; but it ought not to be done except upon the signature of the voter, otherwise it might be made use of in a very different way. You might send in your opponent's changes of residence for the purpose of destroying the votes of those electors.

965. Although the 50 *l.* occupiers only form one fifth of the whole constituency throughout the kingdom, do they not change their qualifications more rapidly than the owners of property?—Yes.

966. And therefore *cæteris paribus* you find more than the proportionate number of changes in the occupiers as compared with the owners?—Yes; and there is this remark to be made: take, for instance, the large body of farmers, the custom so generally prevails of their changing at Michaelmas, that a man must, in fact, be in occupation nearly two years before he can get upon the register at all: it is a very great hardship upon the farmer. The number of occupiers upon the county lists is less than it ought to be, not only by reason of what you have been mentioning, but by reason also of the length of time, a year and nine months.

967. But, as a matter of fact, the 50 *l.* occupiers are a considerably more fluctuating body of men than those who qualify in respect of ownership?—Yes; it is obvious that that is so.

968. Viscount *Ingestre.*] Have you any suggestions to offer as to making the register self-acting except for occupiers under the Chandos clause?—No, I have none.

969. I think you said that when once a qualification was proved, you would have it registered as a good one?—I would have it distinctly marked that it had been proved.

970. As to objections, how would you obviate an objector objecting to each column?—By requiring him not only to state that he objects, but to state specifically the particular ground upon which he objects.

971. Would not a political agent object as to the value of the qualification, and if he could not substantiate that, would he not hope to disqualify the voter by some inaccuracy?—He would have to state upon his notice of objection what the inaccuracy was.

972. Mr. James and Mr. Smith both admit that in their counties there is great apathy with regard to getting on the register, or taking any pains to remain on the register; is that your opinion?—Yes.

973. How do you account for that?—That is rather a metaphysical question than otherwise.

974. Taking any large county, is not it a fact?—It is so. Upon the registration after a general election they are hot; the next year they are a little colder; and now they are very cold; at least, they are getting very much warmer, because we see that there must be an election ere long; but about the fourth year after a general election, the feeling is down to zero.

975. But even when the full steam is up, is not there a great apathy?—No, I do not say that; I think, that after the election for West Kent in 1859, there was hardly any body who had a real qualification who was not put on the register at that revision. I put on 1,000 on our side, and knocked off a large number, both the objecting and the claiming were very rigorously done on both sides.

976. You go very near the wind in your county?—Yes.

977. The election is very close?—Yes.

978. But in counties in which the election is not so close, is there not apathy?—Yes; no doubt they discount it in that way.

979. Mr. *Locke.*] Do you not think that the reason why these 50 *l.* tenants are not on the register if they are not there, is that they are not inclined to be there.?—Very seldom indeed. I know some persons whom you cannot get to

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register by any amount of entreaty, but speaking from my experience of 50 *l.* occupiers it is a very scarce case.

980. Then how do you account for any not being on the register?—They perhaps will not take the trouble any more than the others, but the cases which I can trace to real designed intention to keep off the list are very slight.

981. The plan which you propose appears to me to be this, that instead of its being necessary for the occupying tenant to send in a claim, which is done with very little difficulty indeed, your proposition is that the overseer should put him on the register?—Not instead of, but in addition to.

982. You would allow a man to make a claim if he pleased?—Yes.

983. But supposing he does not make a claim, then the overseer is to put him on the register, but whether he makes a claim, or whether the overseer puts him on the register, you would give him this additional labour, that he is to come or to send an affidavit to the Revising Barrister's Court to satisfy the Revising Barrister that he is entitled to be on the register?—No that is not my suggestion. If he were objected to, he would have to do that, but I would not make it necessary, he might not be objected to.

984. I understood you to say that you would not allow any name to be on the register, where in the first instance the party had not proved his qualification?—Then I did not make myself understood properly—what I say is this—that the persons so going upon the register should go on without their proving their right possitively in the first instance, but that they would not be free from objection until they had proved their right in the first instance. Possibly my language was loose, but I did not then, nor do I now mean to express the opinion that they should be compelled in the first instance to prove their right, but that they should be liable to be called upon to prove their right without the objector being liable to costs.

985. *Chairman.*] You only propose to allow costs to persons who have so proved?—Yes.

986. Mr. *Locke.*] If they do attend at the Revising Barristers' Court, and their names are so put on, the only difference is that they must have the trouble of going there, or if they omit to go there, and are objected to, they will have to pay costs?—They should have no right to costs until they had proved their claim once, and if they had proved their claim once, if they were ever objected to afterwards, I would give them substantial costs if the objector failed.

987. It is only a question of costs?—Certainly.

988. Do you think that by adopting this course you would increase the number of names on the register or diminish it?—Taking my suggestions altogether, I believe that the register would be considerably increased.

989. For what reason?—Because, I believe, that a vast number of persons are now struck off, because they will not attend when the objections are made, and the objector is more particular in making a large number of objections, because they practically cost him in nothing.

990. What is the rule now as to costs?—It is impossible to say what the rule is.

991. What power has the Revising Barrister to give costs?—The maximum power is 1 *l.* in any given case. I, every year, send from about 500 to 700 objections, including the old voters and new claims. Last year, I think I had to pay altogether 1 *l.* in costs. The greatest amount which I have ever paid in any one year was 20 *l.*

992. Was that for 20 different cases?—No, it may have been 40, because the barrister does not give the maximum in every case. The maximum is 20*s.*, and some of the barristers interpret it in this way, that those costs mean the actual expenditure.

993. Was that a set-off?—No; I am speaking entirely of what I had to pay myself, because I have no hesitation in telling the Committee, in order that they may see the working of the thing, that I receive a given fee from the society which employs me every year; I pay all my own expenses and costs out of it, and therefore I have an interest in keeping the costs down to the minimum at the same time that I want to do the maximum of work.

994. You were the objector?—Yes, substantially I do the work myself. Every marking of a man for objection is done by my own hand, and the costs ordered to be paid come out of my own pocket.

995. What description of costs do you propose in this case?—I should allow a man all his expenses. If a man travelled from London to Ramsgate to defend his vote, I should allow the whole of the pecuniary expenses and reasonable subsistence; and if the witness were a tradesman, I would allow him something for his loss of time; if he were a professional man I would allow him something for his loss of time.

996. When it was a frivolous objection?—When it was an objection which failed.

997. Then a person being on the register would go scot free, would he not, unless there was a registration society; he would remain there for ever; nobody would run that risk of objecting to any voter, would he?—Certainly not, nor does he now.

998. But you think that the registration societies would do so?—I am quite satisfied that if they had any spirit in them they would tell their agent, "We want a pure register." In some counties they are not so active as they are in others.

999. It would entail more risk than now?—Yes; but they would only exercise more care. When I say that last year I did not pay more than 1 *l.*, it is obvious that I exercised more care with old voters, and the Revising Barristers did not give costs in a single case of new claim; they never have done so.

1000. With regard to the form of an objection, you say that you would not allow the general words, "I object to your vote?"—Yes.

1001. But that the objection must be specific?—Yes.

1002. You have explained that with regard to the name of the voter, you would require the statement to be, "I object to your name as entered, and state that your name is so and so," and that you would do the same with respect to the name of the street?—Yes.

1003. When you come to the question of qualification, how is it to be done in that case?—There of course you could not give such specific details. But take for instance the objection of a man not being owner in possession to his own use; the objector might state, "I object to your name because you say that you are the owner of a freehold house; I say that you are not the owner of a freehold

a freehold house, it is settled upon your wife;" or, "you are a mere trustee for somebody else,—you are not the beneficial owner."

1004. Supposing that the objector merely objected in this way; "you state that you are a freeholder, I say that you are not a freeholder;" do you say that that would be sufficient?—No; I should think not; that is merely traversing generally.

1005. And he must go further, and state exactly what the title of the voter is. It is not sufficient that he should say, "You have not such and such a title;" but the objector must tell him exactly what his title is: is that what you propose?—Yes, with this qualification, that he must state it with reasonable certainty in the opinion of the Revising Barrister, "You are not the freeholder; I say that you are the leaseholder of that house." There is no difficulty or ambiguity about that, "You are not the freeholder in possession to your own use; you are, in fact, a trustee." There is no ambiguity about that. The ambiguity would come when it became a question of incumbrance. That is the only case where I really think that there would be, after all, considerable ambiguity and indefiniteness. A man might say, "I know that there are some three or four mortgages, and the mortgagee is really in possession." As to that there would be no difficulty in saying, "You are not in possession, but your mortgagee is in possession, and in receipt of the rents and profits," which is a disqualifying matter. It might be simply this, "You have not 40 *s.* clear after paying all incumbrances." There is no ambiguity about that; but the circumstances leading up to it might not be stated. I, however, think that that would be giving a man a sufficiently clear indication of the ground upon which you were proceeding.

1006. In fact, you would deny the character in which he placed himself upon the register?——Yes; and the objector should state the ground upon which he did deny it, "You are not a freeholder, because you are a copyholder or a leaseholder."

1007. In that case he might not be a freeholder, but he might be a leaseholder of sufficient value to qualify him?—But a man cannot say, "I am either a freeholder, or a leaseholder, or a copyholder, and if I am either one or the other I am entitled to have a vote." That is the law now, because it is a registration in respect of a particular subject-matter of qualification.

1008. With regard to the value of the 50 *l.* occupation, are you entitled to look at the income-tax returns?—I apprehend that there is a difficulty about that, because, of course, we are aware that the statute is against their being divulged.

1009. That information is never used, is it?—No; but I do not see any reason why there should not be access to the particular assessment, or return of the amount paid for rent, because that is accurate.

1010. How far, if at all, has it been used in registration?—I have never been able to have access to it, and have never known it to be done.

1011. Mr. *Algernon Egerton.*] You stated that there was considerable difference of practice amongst Revising Barristers, both as to appeals and as to awarding costs?—Yes.

1012. I did not understand whether you suggested that any further power should be given to suitors in that court with regard to appeals?—The examination departed when I had answered one question about that subject. I think that there ought to be some alteration; I think that there ought to be some check upon the barrister. I am hardly at this moment able to suggest what, but, probably, an application to a judge at chambers would be a reasonable thing, upon showing that it affected a large class of voters, for instance, or some such circumstance as this. I have known this done (and it is obvious). I have known a barrister disallow a whole batch of objections upon the ground of insufficiency (which was essentially a point of law as to whether the notice was in conformity with the statute), and then disallow an appeal upon that. Such a thing as that perhaps would have affected vitally the return of one, two, or three members at the next election, supposing one had intervened immediately afterwards. A whole batch of objections was thrown upon one side, and then the barrister said, "I will not allow you an appeal." It seems to me that such a case as that (affecting, perhaps, the very representation of a constituency for five or seven years, as the case may be), where a man says, "I will not allow my decision to be reviewed, although it may affect 200 or 300 voters," is monstrous; and I know that has been done, and I could mention the facts, and the dates, if it were right. In such a case, I think that there should be power to apply to a judge for leave to appeal; that is to say, in any case involving either a matter of considerable importance in itself, or affecting a large number of persons.

1013. With regard to costs, I suppose that you would leave that entirely in the discretion of the barrister?—No, I would not leave it entirely in the discretion of the barrister. In the system which I have suggested, I propose that a man should never have costs until he had proved his claim once; and that afterwards, if he was objected to unsuccessfully, he should always have costs, and substantial costs. As to the amount, I should say that up to 10 *l.*, or something of that sort, the barrister should have a discretion as to assessing the amount, having regard to the actual expense and trouble, and the journey, and so on.

1014. Viscount *Enfield.*] May we assume from the general tenor of your evidence that, in your opinion, many of the present evils with regard to county registration would be avoided by all new claimants being called upon by law to establish their right to the franchise by giving *bonâ fide* evidence of such right, and by those who have established that right being for the future protected by the amount of costs which the objector would have to pay?—Yes, speaking generally.

1015. From the evidence which you have given to-day, we may assume that that is your opinion?—Yes.

1016. *Chairman.*] I have been requested to ask you whether at your leisure you could put into the shape of a clause, which could be inserted in an Act, your suggestion as to the limitation which you would put upon an objector in giving his grounds of objection?—Am I to understand that to refer to the form of the objection, or to the limit to which you would allow an objector to go as to which portion of the qualification he should attack?

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1017. You would require him to specify the ground of his objection?—Yes.

1018. Could you procure a clause which would limit him in the manner in which you propose?—I should have no difficulty in doing it, accompanied with a form.

1019. Will you be kind enough to frame such a clause and such a form, and send them in to the Committee, at your leisure, before the Committee has done sitting, so that we may put them in the Appendix?—If you please.

THOMAS ROGERS, Esq., called in; and Examined.

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1020. *Chairman.*] I BELIEVE that you are concerned as a registration agent in the county of Berkshire?—Yes, I have been so for several years.

1021. For how many years?—Seven years.

1022. Have you also been engaged in other counties?—I have been engaged in the borough registration at Reading, and in other boroughs, but I have not actually gone into other counties systematically.

1023. You have had incidentally to do with other counties, I suppose, in looking after the out-voters?—Yes, a great deal in that way.

1024. And you have given assistance to other agents in that way?—Yes, a great deal in that way.

1025. You heard, I believe, a great part of Mr. Lewis's examination?—Yes.

1026. Do you generally concur with him in what he considers to be the evils of the present system of registration?—I think that his reply to the question which was put to him by Lord Enfield, almost at the end of his examination, would generally be the answer which I should give in the terms which Mr. Lewis gave it; that covers the ground generally. I do not agree in a great deal which Mr. Lewis said.

1027. Do you agree with him as to the existing evils?—I think that the existing evils pretty much resolve themselves into these: first, the great facility for unfounded objections; and secondly, the great facility for unfounded claims. I think that those are the foundation of the main evils, to which I would add duplicate entries, and the absence of a proper register.

1028. What are we to understand by the absence of a proper register?—Any well-matured register, prepared under some authority competent to prepare such a register.

1029. Do you mean as to the form in which the register is arranged, or do you mean the correction of voters' addresses and errors appearing upon the surface of the register?—I think that the form is defective in some respects, but I think that the overseers, as a body, make it worse by their very general unfitness for the duties which they have to discharge. I speak very strongly upon that subject; I think that the overseers are a very unfit body for preparing the lists.

1030. As to the evil arising from unfounded claims, have you any remedy to suggest for that?—Yes; I have thought that subject over a good deal. I should say that I have read the pamphlet of Mr. James, who has been examined. I had not the pleasure of knowing him until this morning, but I received his pamphlet a week ago, and read it. I think that there are very many valuable suggestions in it. I should not adopt it in its entirety, but I think that his suggestion as to the lists which he proposes to be prepared by the Clerk of the Peace would render them as perfect as possible; I think that it is an admirable suggestion. I presume that the Committee have gone into that question. I think that if a list of that description formed the foundation of the future registration, the present evils of the county registration would be got rid of, in the bulk.

1031. Mr. James, as you are aware, suggests that what I call the correction of the register should be conducted by the Clerk of the Peace?—Yes.

1032. Who should for that purpose obtain information from the overseers and, where necessary, obtain further information by personal communication with the electors?—Yes; that is one point in which I should not go with Mr. James. As to the Clerk of the Peace obtaining information from the overseers, and acting upon it, I think that that is a very unsafe course of proceeding; but I think that the register being prepared so that the polling district corresponds with the actual residence of the voter, is of very great practical importance. In the first place, it gets rid of the evil of duplicate entries, which, I have often witnessed, we have in our county. I have known one man on the list nearly 20 times; I mean for 20 parishes in different parts of the county, and at our last contested election it actually occurred that an elector either himself voted twice, or some one voted for him in a second polling district. I think that if the list were framed in the way in which Mr. James suggests (namely, that the non-resident voters in a parish should be entered in that parish, but without a number, and then transferred into the parish where they reside with a number, and that they must vote at that place) the practical evil would be met.

1033. You approve of that part of Mr. James's scheme?—Yes.

1034. Mr. James proposes that the register should be corrected by the Clerk of the Peace, from information derived partly from the overseers, and partly from the electors themselves; that is to say, that the Clerk of the Peace should so far correct the register, as that he should correct it subject to approval by the Revising Barrister. What is your opinion upon that point?—I think that that is open to objection. In the first place the county overseers (because I draw a great distinction between county and borough overseers) are not, I think, fitted for giving correct information upon the points necessary for that purpose. Having gone through the county now for seven or eight years, I have seen the lists and the numberless complaints which the Revising Barrister and the agents have made of the state in which the lists come from the overseers, and the repetition of it year after year; so that I have no hesitation in saying that I think that the overseers, as a body, are unfit for exercising any duties which are to be practically acted upon.

1035. Do you speak from your experience, particularly, of overseers in agricultural parishes, or

or in urban parishes also?—I speak more particularly of agricultural parishes; but another objection applies to overseers in urban parishes or town parishes, of which there are a great many in some counties: in our county, for instance, we have towns where the overseers are not competent, but undoubtedly they find competent men. You do not get that in the county overseers, because they care very little about it; but in towns the overseers are really the assistant overseers. The observation to be made as respects them is that they have a political complexion, and not that they are incompetent to do the work. In towns the whole of this business is transacted by the assistant overseer, who is, generally speaking, a partisan on one side or the other.

1036. You think that the Clerk of the Peace could not depend much upon the information which he obtained from the overseers?—I think not; and I do not think that it is necessary, with the views which I have as to working the register generally.

1037. As to the information which he might derive by communicating with the electors themselves, Mr. Lewis has told us that he thinks that it would be in a great measure inoperative, because electors would not notice the communication. What is your opinion in that respect?—I thought that Mr. Lewis's last answer did not harmonise with his first; because, he stated that you might get replies from one-third. If you got replies from one-third of the constituency, I should say that it was completely successful, because, of course, a man would not answer unless he had some alteration to make. I thought that that was very valuable evidence in favour of the proceeding. I did the same thing myself in, I think, the year 1859, only I did something which Mr. Lewis did not. I sent a circular to all the persons on the register whom I supposed to be friendly to our own party. I prepared a form something like you have on the register itself. I copied the whole entry in the register, and wrote an explanatory letter to the party, and simply requested him to insert under that extract any alteration required. I directed the extract to myself, and put a postage stamp upon it, and I think that out of about 700 or 800 which I sent, I got back about 500 or 600, and it was invaluable. The correction of the register which resulted from it was really very great indeed.

1038. Then, you think that information for the purpose of correcting the register might be obtained by a communication with the electors, whether it be done by the Clerk of the Peace or be done by a political agent?—Yes; but I think that if the Clerk of the Peace does it as a preliminary matter before the political agency is brought into operation, a vast amount of ill-feeling and of harassing objections will be avoided.

1039. So far you would approve of the plan suggested by Mr. James?—Yes; but I do not think it necessary to do it every year. I think that if the Clerk of the Peace did it once in three years, or something of that sort, it would answer the purpose.

1040. In what manner would you propose to check the unfounded claims which are now made?—I think that the real defect in the present Act respecting claims is this: that there is no distinction whatever as following the result in costs between fictitious claims and good claims, or between well-founded objections, or partially well-founded objections, and wholly bad objections. What I would do is this: and I think that it would meet the difficulty as far as we can hope to meet any difficulty of this kind. I would not make it obligatory, because there are numbers of men, especially in country parishes, who could not do it in the first instance; but in the case of a voter who accompanied his claim by a statutory declaration, I would place him in the position of a man who had made a *primâ facie* case, and then if that case was ultimately supported, I would give him his full costs against the objector. I think that that would be an effectual remedy.

1041. Would you require as a matter of necessity that every new claimant should support his claim, either by statutory declaration or by *primâ facie* evidence?—No; I have considered that point a good deal, and I think that it would operate unfairly upon, and be a check to, voters who could not get to a solicitor, or to a professional man, in order to prepare these declarations; but I would protect those who did take the trouble which I speak of, by providing that if after making that declaration and establishing a *primâ facie* case, they were put to the trouble of coming to the court, the same result should follow as follows in all other cases; and that the man who challenged them should, if unsuccessful, bear the costs. I think that that would effectually prevent unfounded objections to new claims. But I would give every man the right of sending in his claim as at present, and if he did so without a statutory declaration he should have no right to costs, because I think that the electors have a right to investigate the claim, unless the party preferring the claim relieves them from that labour by showing them that it is well-founded.

1042. But you would leave any claimant who did not take the trouble of accompanying his claim by a statutory declaration to be objected to without making the objector liable to costs?—I would not give such a claimant the absolute right to costs; but I would give a man who accompanied his claim by a statutory declaration, an absolute right to costs in the case of an objection which failed.

1043. What would be the expense of obtaining one of these statutory declarations?—Practically, nothing; because, of course, the political agency in the neighbourhood would furnish them for the claimant; there would be no difficulty on that score.

1044. What is the cost of them; is it a matter of a few shillings?—Not more than that.

1045. Mr. *Hunt.*] Is there not a fee of 2*s.* 6*d.*?—No, a magistrate would take them for nothing. Of course, any Master in Chancery could take them. I would take them in my neighbourhood for my own friends. There is a statutory charge of a shilling; it is a trifling expense. I think that if that were done, it would get rid of a large amount of objections; because, undoubtedly, the objections now are very much to new claims; and it is because we have to look after the new claims that we get on to the old register.

1046. *Chairman.*] That suggestion would give a protection to a well-founded claim?—Yes.

1047. But it would be no check against people making unfounded claims?—No; but the fact that the claimant did not accompany his claim with a declaration would, to a certain extent, imply that he was somewhat timid about it. At all events, if he does not take the trouble of making a declaration of title, I think that he has

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no right to be what the present law makes him, namely, an elector. There is a difference, which has not been suggested here to-day, between a borough and a county claimant in this respect; that a claimant in a borough does not attain the position of an elector, except by coming to the Revising Barrister's court. In a borough, in the case of a new claimant who has to send in a claim, the claim fails unless he comes and proves it; but in a county, a new claim sent in makes the man an elector, unless he is objected to.

1048. I do not yet see how you propose to check the making of unfounded claims?—The present law is ample for that purpose, because it gives costs against a frivolous claimant.

1049. Have you no improvement to suggest in that respect upon the present law?—No; I would leave it where it is, except that I would really enforce it. The evil has been that it is not enforced.

1050. You think that there is sufficient power under the present law to check unfounded claims if it were properly enforced?—Yes; the Act is express upon the subject.

1051. Whose fault is it that it is not enforced?—The Revising Barrister's.

1052. Then you think that if there were a better court the present law would be sufficient to check unfounded claims?—I have no hesitation in saying, that I think that the defect in the constitution of the court is the great evil in the present registration system. I feel very strongly upon that subject.

1053. How would you propose to improve the court?—That is a very large question.

1054. Would it be any advantage to provide that the county court judges should take charge of the revision?—The county court judges are not, as a body, perhaps quite such good judges as they might be, but I think that the present mode of appointing the Revising Barristers is an evil; they are appointed by the judges on circuit, and I believe that it is done very much as a matter of kindly feeling for old comrades on the different circuits. I have heard a Revising Barrister say that the only man fit to be a Revising Barrister was a respectable failure, as he designated himself. He said, "No man should be a Revising Barrister except a man like myself, a respectable failure," and there was a good deal of force in the remark.

1055. Would that evil be obviated if there were a smaller number of Revising Barristers more highly paid, and men of higher standing at the bar?—Very much, indeed; I think that the appointment would be very much better in the hands of the Lord Chancellor or the Home Secretary than in the hands of the judges, because the Lord Chancellor and the Home Secretary are responsible and amenable to Parliament for the appointments.

1056. How would you propose to palliate, or to cure the other great evil of which you have spoken, namely, the unlimited objections which may now be made?—By the very same process as that which I have mentioned respecting the claims. But first of all we must start with the present register. I think that there must be a different dealing with the existing register, and with future cases.

1057. You propose to cure the evil of unlimited objections in much the same manner in which you propose to check the fictitious claims?—Yes, namely, by a statutory declaration. If we were beginning a new system at this moment, which your question would rather point to, the *modus operandi* would be different; but we have to start with an existing register. With reference to the existing register I would do this, although the difference in the register must be very great in different counties. I believe that our register is almost perfect in this respect; I do not think that there are any fictitious cases upon it, because for seven years we have watched it with great care. Kent is another instance, and Middlesex, and other counties have been carefully looked after; but other counties have not been carefully looked after. I think, that if the Clerk of the Peace had charge of the register, and he made a communication by circular to all the existing electors, and if then they sent the statutory declaration which I speak of, I would place such electors in the same position as the new claimants, giving them perfect protection against unfounded objections by costs; I would suggest that the form of Mr. James's register should be adopted, and another column added to it, which is the only alteration that I should suggest in it. I would call upon the Clerk of the Peace to add another column to the register when it is printed, which column should be headed, "If and when proved;" and I would propose that the insertion should simply be the date, "Proved, 1864," or whatever the date was. I think, that if it were worked in that way, and that if you imposed upon every objector the penalty of giving to the person whose right had been thus declared proved full costs in case of failure, you would get rid of all unfounded objections.

1058. If you made it the duty of the Clerk of the Peace, as contemplated by Mr. James, to collect information for the correction of the register, would you then confine electors' objections to the ground of disqualification?—Yes, undoubtedly; I would do this in any case, and the place of abode, because I think a correct place of abode is almost an essential part of the qualification, for what is the use of an elector having his place of abode entered as in Berkshire when it is in Northumberland, and has been there for years? That seems to me absurd; and it is a great evil. I would allow electors to object to another elector, because his place of abode was insufficient, but I would give the elector an opportunity of correcting it. A very great hardship is inflicted upon the candidates at an election by the incorrect addresses of non-resident voters, and of electors who have left the county. The expense consequent on this is very great.

1059. Would you require an objector to specify the ground of objection?—Yes; and I would give the voter the right of amending the entry by a letter to the Clerk of the Peace sending his correct address; and I would also add this, which I think is very essential, namely, that in this case the objector should also give a notice to the occupying tenant of the property (whether named or not in the register) so that it would meet this practical difficulty which I have often seen, that the notice to a person who has changed his place of abode comes back to the objector through the dead letter office, marked "Gone away, not known where." If you give a notice to the party according to his registered address, which is all you can give, and if you serve a notice at the same time upon the occupying tenant, I think you do all that can be reasonably required in order to get the voter to correct his address, and if he does not choose to do it, I think that the persons who have

have to incur the expense and labour of an election ought to be protected by removing the name from the register.

1060. Would you require the overseer, when he objects to an elector, to specify the ground of his objection, and also to give notice to the person objected to in the same way as any other objector? —Yes, if I allowed an overseer to object at all; but I should certainly take that power away. I see more abuses and more injury arising from that cause than from any other single matter.

1061. Then you would confine the duties of the overseer to the publication of the notice to claim and of the list?—Yes; and I would place the duty of preparing and forming the register upon the Clerk of the Peace. I think there is no doubt that he is the proper person, not clerks of Boards of Guardians, or any person in their position, but I would impose upon the Clerk of the Peace the duty of superintending the general formation of the register. I would give him the power in certain cases to put the word "objected," but I would take that power away from the overseers, and I would simply allow them to discharge mere ministerial acts, such as publishing the lists, and being the depositories of forms of claim, so that any one living in the parish might go to the overseer's house and get a form of claim. Except as regards two or three duties of that sort, I would get rid of the overseers altogether.

1062. But you would, I presume, make it the duty of the overseer to collect and furnish information to the Clerk of the Peace?—No, I would not.

1063. Then from what source would the Clerk of the Peace derive information?—Always bearing in mind that the county register is already an existing register, established for years, I do not think that those little minute alterations ought to be made by any officer. I do not think that alterations are necessary, unless they go to the substance of the qualification or the place of abode, and then I would give the Clerk of the Peace the right, having received the information from the overseer, or through any other channel, that a person had sold his property or that he had changed his place of abode, to write the word "objected," sending notice at the same time to the voter, but I would not allow the overseer to do it.

1064. But would you not make it the duty of the overseer to keep the Clerk of the Peace informed of changes in residence, and so on?—Yes, I would give power to the Clerk of the Peace to call upon him to make notes upon the existing list, for which purpose he ought to send it to the overseer early in the year, and not as now, not until after the evil has arisen, because now the register does not go to the overseer until after the time for notice of claim. I would let it be sent to the overseers in May or early in June, and in duplicate, with a request that they would return one part to the Clerk of the Peace, stating any information which they had, and I would let the Clerk of the Peace deal with it, and not the overseers; they give very imperfect information.

1065. Would you have a copy of the old list of voters published every year at the same time as the notice to claim?—Certainly, because obviously parties do not know how they are situated on the existing register, inasmuch as it is not published. At present the list of claims and the old register are published at the same time, and of course it is of no use.

1066. Do you consider that it would be at all possible to introduce self-acting registration into English counties. I mean, to assimilate the county registration to the borough registration in this respect, that there should be some official charged with the duty of putting on persons qualified and striking off persons disqualified.—I most decidedly object to that. I think that it is quite unnecessary, because you have the register already framed.

1067. Would it be possible to do it?—Decidedly not with any accuracy. There is no existing official who could do it.

1068. Are there the materials for doing it, supposing you had officers upon whom you could depend?—No, the rate-book is a most unsafe guide, and the Valuation List will in future be the rate-book, because the overseers are now under an express obligation to make their rate-book a copy of the Valuation List. They have no discretion whatever, and it is made for purposes wholly different from the franchise. The only thing which is sought in framing the Valuation List is the value of the particular estate, but who is the owner or the occupying tenant of it does not at all enter into the question. The Assessment Committee do not inquire whether it is John Smith or William Jones; it is the properties which they look at, and not the individuals.

1069. Would it be any advantage, for the purpose of identifying the voters, if, in the register, in the column of names, you added the trade or profession of the voter?—Yes, undoubtedly; although I should not have suggested it.

1070. Do you think that the present amount of costs which can be given is sufficient to check unfounded claims and vexatious objections if they are given in all cases where they ought to be given?—No, I think not.

1071. You would make the costs higher?—I should make the costs higher, because I have observed that, as a rule, when political agents are committed to a serious contest in the revision of the lists, they select the non-resident voters upon the slightest pretence, and send objections to them.

1072. On what principle would you give costs; should there be a fixed maximum, or would you take the amount of the expenses which a person had incurred in attending the court, and an estimate of the value of his time?—I should do that, certainly. It is difficult to fix a maximum, as I do not exactly see how to arrive at the amount. I think that a voter coming to support his own vote should be paid his actual expenses, and for the loss of his day, just as he would be in an ordinary *nisi prius* trial.

1073. Do you think that it would be an advantage that a power should be given to summon witnesses to attend the Revising Barrister's court?—Yes, I have seen very great evils arise from the want of it. I think that that power should be given as a matter of course, on the ordinary condition of paying the witness his expenses.

1074. And would you propose that the barrister should have power to fine him for non-attendance?—Yes; I should suggest that the Clerk of the Peace should issue subpœnas as he does at sessions. At Quarter Sessions, if we want a subpœna for a witness to come on any question we go to the Clerk of the Peace for it, and send the man his conduct money, and he must come; and I think that such a power ought to exist

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with reference to proceedings at the revision courts.

1075. Mr. *Hunt.*] You think that fictitious claims for votes can be prevented by the existing law; you think that the present law is sufficient?—Yes; I think so.

1076. That is assuming that there is an active organization for registration purposes, is it not?—No doubt.

1077. Supposing that there is no organization, and no person personally interested in keeping up the register in the county, any number of fictitious claims can be made successfully?—Yes; but it appears to me that there is no alternative between that and compelling every claimant to prove his vote in the first instance.

1078. Supposing that you made every claimant give *primâ facie* evidence of his having a qualification, then, without any organization, or without any registration agent being employed by political parties, would you not prevent fictitious voters getting on the register?—Yes; but you would create a great evil, namely, that you would prevent a great number of well qualified persons from getting on the register. It might, in many cases, be a considerable trouble, that is why I would not make the evidence obligatory in the first instance. I would give a protection to the claimant who did go to the trouble, while I would not impose it upon every claimant, but I would subject him to the consequences of having his claim tested if he did not do it.

1079. What do you think would be the practical result of giving the voter that alternative, or the political agent that power?—I think that all fictitious claims would either be prevented or be objected to.

1080. Would not all claims not accompanied by a declaration be objected to as a matter of course?—I think not; it would depend upon the character of the agent.

1081. Supposing that you were interested on the one side or the other, should you not in point of practice object to any claim?—No, I never do that; I never object to a man who I know has a good vote, and is correctly registered; I never would do it, and I think that it is very wrong to do so.

1082. However, it would be done by an unscrupulous agent?—Undoubtedly.

1083. You say that a statutory declaration can be got gratis, and that it would only cost the elector the trouble of signing his name to it, and giving the information to some person concerned in the registration?—No doubt.

1084. Though it would not be got at the expense of the elector, it would, I suppose, be got at the expense of somebody?—It would be a part of the ordinary machinery attending the registration, or you might provide that the Clerk of the Peace should supply those declarations to any voter who applied.

1085. You assume that there is some organization or person to whom voters can go for assistance?—Unless there is an organization, you scarcely have the case occurring. I do not think that you will have much registration without some political organization or strong political feeling.

1086. Then you think that whatever was the law, there would always be a political organization?—No doubt; if not, there would be no claims, or very few.

1087. To go to another subject, you have suggested a new column to the register showing when the claim was proved?—Yes.

1088. For whose use is that new entry to be?—For every one. I should have it in the printed register. We will assume that you adopt a new system, and that the next year's register is made. When the Clerk of the Peace makes it, I would have this extra column, and would put against the name of each person sending a declaration "Proved, 1864," and I would give that party a *primâ facie* title. I would make it apply to all persons already on the register, and to those who sent in new claims in future years.

1089. You would make the objector liable to costs?—If the objection was wholly frivolous and vexatious, he would still be liable.

1090. For whose protection should this entry be made?—For the protection of the voter against an unnecessary objection, he having gone to the trouble of establishing his vote.

1091. Mr. *Locke.*] He would get costs, that is all?—Yes; which I think is practically a sufficient protection.

1092. Mr. *Hunt.*] I think you have stated that you agree with Mr. James that the Clerk of the Peace should send a copy of the register relating to each voter to him once in three years?—Yes.

1093. Should that also be sent to the tenant?—Yes, in case of an objection for change of abode, for there are no means of sending a notice to the party, except to the place of abode on the register; if he is objected to, the chances are that the notice comes back, and that he does not get it; but by sending it to the tenant, the chances are that he will forward it to the landlord.

1094. With regard to costs, you think it reasonable that a man who was objected to should have his costs out of pocket?—Yes, and for his loss of time.

1095. Would you put any maximum?—I have some doubt about that. I think that the right is so very clear, that if after a voter has once established his claim to a vote, and made a declaration, and then is troubled to come, he ought to be indemnified fully against objections. The costs should, however, be ascertained in Court, and fixed upon that basis.

1096. You say that you should prefer the Clerks of the Peace being entrusted with these duties, rather than the Clerks to the Unions?—Yes.

1097. Upon what ground?—Because the Clerk of the Peace I assume is almost universally a man of position in his profession.

1098. You think that he would not be open to the same influences as the Clerks to Unions?—Certainly not. The Clerks of the Peace are, generally speaking, very respectable men, and competent men.

1099. Have you at all gone into the question of the cost of this new machinery, calling upon the Clerk of the Peace to make up the parish lists?—My impression is that it would reduce the cost, because the expenses allowed to overseers at the present time are considerable.

1100. Would not the Clerks of the Peace have to go to the overseers in the first instance for their information?—Not for any information for which they would have to be paid. I should not, as Mr. James suggests in his pamphlet, call upon the overseers to make inquiries. I do not think that that should be done. I would send them a printed copy of the present year's register, and request

request them to send it back with any information of which they were in possession, and I would let the Clerk to the Peace, if he thought proper to put it upon the register, do it afterwards; but I should impose upon the overseers no active duties for which they should be paid.

1101. How would you pay the Clerk of the Peace?—From the fund from which the overseers are now paid.

1102. But you would impose very greatly additional duties upon the Clerk of the Peace?—I do not think that they would be very much in excess of what they are now after the first year or two. I do not think it a very serious duty. In a large county it might be requisite to make some special provision for it, but you could do the work efficiently by sending a circular to all registered electors, and you can get an immense deal of writing done by law stationers for 20*s.*

1103. Mr. *Collins.*] I understand you to say that you would have the notice sent to the occupying tenant as well as to the owner?—Only where the objection was that there was a change in the place of abode.

1104. Is it not now the fact that where the name of the occupying tenant is given, the objector is likewise bound to serve a notice upon the occupying tenant?—No; only where the voter is non-resident.

1105. Where the voter is non-resident, and the occupying tenant's name is in the fourth column?—Yes.

1106. But would not the result of this alteration be that the name of the occupying tenant must always be put in the fourth column?—No; I would send the notice to the occupying tenant of the property specified.

1107. You would not put the name?—No; I do not think that that would be necessary. I only suggest it as an additional means by which an elector who had changed his place of abode might be served with notice.

1108. I think you said that the Valuation List, as now made out by the Assessment Committee, was merely a valuation of the whole estate, and not of parts?—Not made with reference to persons, but properties.

1109. What you mean is, that if a gentleman has an estate of 1,000*l.* a-year, all that the Valuation Committee wish to get at is the value of his property, and not the different persons in respect of whom it is valued?—No; nor yet the occupiers; they do not inquire into that.

1110. Do you think that the occupying tenant would allow his occupation to be valued at 100*l.* a-year though he only paid 50*l.*, it being no matter to the occupying tenant whether he was rightly or wrongly assessed?—I did not say that.

1111. All that the Assessment Committee wish to get at is the value of the whole property?—It is the function of the Assessment Committee to assess the property.

1112. But is it not the interest of each tenant of the property to be accurately assessed?—If he is under assessed he will not do anything about it.

1113. But if the whole property is assessed at its valuation, and one man is under assessed, will not it follow that another man is over assessed?—If the portion of the estate which one man occupied were put at less than it should be, and the whole estate were valued correctly, another man would have an interest in having an equitable assessment.

1114. Say that a landlord has two farms, one worth 400*l.* a year, and another 600*l.*, let to A. and B., would not the Valuation Committee put those two farms at their respective values?—They would endeavour to do so—it would be their duty to do so. A man who is over assessed will complain, as he has an interest in doing so, against a man who is under assessed; but a man who is under assessed will not complain of it; but in either case it would not lead to the detection of the real tenant.

1115. But it would lead to each person being probably rated pretty nearly in proportion to the value of his property?—Yes, I have no doubt that you would get from the Valuation List a very fair idea of the value of the property, but you would not get any accurate information of who was the real tenant; and you must bear in mind that the county franchise is not as in a borough, an occupation franchise, but a franchise resting upon a legal liability to pay the rent. I think that it is very objectionable that the overseers should frame a list putting the occupiers on because the ostensible occupier is very frequently not the real tenant. I have had the case over and over again. Last year, I should think that I had a dozen objections on that ground.

1116. You do not think that it is presumptive evidence that the person who is rated as the occupier is *primâ facie* the occupier?—It is presumptive evidence that he is the occupier, but not that he is the tenant.

1117. I do not say in all cases, but in the great majority of cases?—It would be a tolerable presumption in the absence of any motive to the contrary, but if there should be a motive, then, by allowing the overseer to take the name of the ostensible occupier, and to make him a voter by placing him upon the register, you would soon get a number of people placed upon the rate-book as occupiers who were not tenants.

1118. Would not that argument apply to boroughs in the same way?—A new claimant in a borough must come and prove his claim.

1119. But does not the overseer in boroughs put on the great majority of new voters every year without their coming to claim?—Yes; if he knows them; if they are on the rate-books and pay the rates.

1120. Could not a person fraudulently taking a house in a borough worth 30*l.* a-year claim to be jointly rated without its being necessarily a proof that he was the occupying tenant?—In order to vote in a borough he must be rated and reside within seven miles.

1121. Could not he come upon the rate-book without actual occupation?—The test of borough qualification is actual occupation; the test of the Chandos clause is tenancy, and not occupation.

1122. Could not a person come on the rate-book as an occupier in a borough without his actually being so?—Yes; but then it is very easy of detection.

1123. Why is it easier to detect a thing of that kind in a borough than in a county?—Because a county is more scattered, and the persons are not so keen in looking after those matters. I had a case last year in point, where, if this law had existed, three voters would have got on the list for one property; the father and two sons were put on the list with the view of getting them on the register.

1124. Mr. *Locke.*] What was the rent?—It was just enough to make three votes; and you

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would get manufactured votes to an unlimited extent by that process.

1125. Mr. *Collins.*] Would there not be the same power of objecting in a county as there is in a borough, if votes were manufactured in that way?—Yes; but you would be increasing instead of diminishing the evil now complained of.

1126. Do you think that it is an evil that the overseer in a borough puts the great majority of persons on the register from the rate-book?—No; because the actual qualification in a borough is the occupation and the payment of rates, which is not the case in counties.

1127. Is not the payment of rates by one of three persons rated a payment in law by the whole three?—Yes, if he does it for the three.

1128. If A. B. and C. are rated for a warehouse of the value of 40 *l.* a-year, and the rates were paid by any one of them, is not that a payment by the three?—Yes, if paid for the three, and they are all rated.

1129. Therefore it is quite possible for the occupier paying rates in a borough to get his two brothers, not being tenants with him, to be rated by the overseer in the borough?—It is possible.

1130. And in a county the same thing might occur, with this difference, that instead of the amount being 30 *l.* a-year, in order to qualify three persons, it must be 150 *l.*?—The case is different. In a county the ground of qualification is the liability to rent, but in a borough it is occupation. We can detect those things more easily in boroughs; but there are objections in boroughs.

1131. The same fraud could be perpetrated in a borough under the existing system as you suggest would be perpetrated in a county?—I do not think that it would.

1132. But it could be done?—Yes; but I think that the facilities for detection are so great that the cases are different.

1133. *Chairman.*] It could be done, but it would be very much easier in one case than in the other?—In a county, if you enabled overseers to place parties on the register simply because they were in the rate-book, I think that it would lead to great evils and objections.

1134. Mr. *Locke.*] What is the difference between the two, supposing that a man has a counting-house, and that three persons carry on business together in a borough?—It is not a question of rent, if it is of value.

1135. What is the difference between the occupation of a farm and the occupation of a counting-house? The man resides within seven miles of the borough, and he carries on his business within that borough, and so you have three persons carrying on that business. What distinction do you draw between three farmers occupying a farm, and three merchants occupying a counting-house?—I do not make any distinction if they really occupy as tenants.

1136. If they are together, and say that they are partners, is there any distinction between the one case and the other?—The borough qualification is value, if a man occupies a place of the value of 10 *l.*, no matter what his rent is, he is entitled to be on the register. It is not so in a county.

1137. What distinction does that make? You say that in one case it is value, and in the other case rent. Supposing that there are three persons paying a rent among them of 150 *l.* a-year, where is the difference between that case and the other?—There is none whatever if they do so; but what commonly takes place is this: A father very often puts a son into a farm; the father is the tenant, though the son looks after it for him. I have seen several cases of that description. The son is not the real tenant, and if you give the vote to the occupier, that is not the law.

1138. With regard to a counting-house, the son of a merchant might represent him in a different character from that which he occupies?—There is no doubt of it.

1139. I collect from your evidence that you do not consider that any very great alteration, or, in fact, any alteration would be necessary, if the law as it at present exists were properly administered, that is to say, if the Revising Barristers in their courts performed their duties properly, and if, in addition to that, greater powers were given to them to exact costs from parties who made themselves liable to them by frivolous claims, or by frivolous objections in the court?—I am not disposed to give Revising Barristers greater powers.

1140. Would you not do so as to costs?—No; I would give that as a right to the voter.

1141. Must not the Revising Barrister be the person who is to decide whether a man is entitled to costs or not?—No.

1142. Who then?—I would give it to the voter as a matter of right, if he has established his right to a vote by a declaration, and is then objected to.

1143. Then, as a matter of course, whether the Revising Barrister chooses it or not, it would be precisely the same thing as in an action?—Yes.

1144. That is to say in an action for assault where you recover damages above 5 *l.*, you would have your costs as a matter of course?—Yes; and I would make it the same in the revision court, the Revising Barrister simply taxing the amount.

1145. Then, that alteration of the law taking place, and costs being given in cases where it is shown that a frivolous objection has been made, by the same rule if a false claim is made, and the person is objected to, I suppose you would say that the objector should have his costs as a matter of course?—Yes, in a case of frivolous claim, undoubtedly.

1146. Supposing the law to be altered in that particular, do you conceive that any other alteration would be required if the Revising Barristers were persons who were fitted for the performance of their duty with respect to deciding the questions of law and fact?—I quite agree that all objectors should state the grounds of objection.

1147. You think that that should be the only addition?—I would undoubtedly give no man the right to object without specifying the grounds of his objection.

1148. You have stated that, in your opinion, the present Revising Barristers' Court is a bad one?—Yes.

1149. As to the county court judges, I understand you to say, not that they would be worse, but that they would be no better?—I do not think that they would have time to undertake the duty.

1150. You consider the present mode of appointing Revising Barristers vicious?—Yes.

1151. Did you think that it would be very much better if the power of appointing Revising Barristers were vested in the Lord Chancellor, or in the Home Secretary, than in the Judges?—Yes.

1152. Supposing that you had got your perfect Revising Barrister, a man equal to any judge upon the

the bench, and who discharged his duty in a first-rate manner, do you not think that that, with the alteration as to costs, would answer all purposes?—I think that it would go a very great way towards it.

1153. Then, in point of fact, your objection is not so much to the law, but to the mode in which the law is carried out?—Yes; and the want of the checks and protections which the few suggestions that I have made would, I think, import into it.

1154. Will you tell us distinctly what the few suggestions are which you have made?—The first general suggestion is that the overseers should do nothing but ministerial acts.

1155. What do you mean by ministerial acts?—The publication of notices to be sent to them by the Clerk of the Peace.

1156. By putting them on the church-doors?—Yes; and the publication of the list; that the Clerk of the Peace should prepare a list and send it to the overseer; that there should be a duplicate, and that the overseer should simply put a memorandum on the back of it, that he had affixed it.

1157. The Clerk of the Peace for Essex lives at Chelmsford?—Yes.

1158. By what means is the Clerk of the Peace, living at Chelmsford, to prepare these lists unless somebody tells him whose names to put in them?—In the first place, he has the existing register. I would provide that all claims and all objections should be sent direct to the Clerk of the Peace, instead of, as they are at this moment, to the overseers, in so many hundred parishes. I think that one of the great evils which arise at present is that all notices of claims and all notices of objection are sent to the parish officers in the different parishes; they have to make lists, and here is where the main evil arises with regard to objections. A claim is sent to an illiterate overseer; he mis-copies it, or leaves out a portion of it, and he sends it to the different persons concerned in the registration, and also to the Clerk of the Peace, and the party gets an objection upon an error created by the overseer. If you send all those notices, in the first instance, to the Clerk of the Peace (they must come to him in the end), he prepares the list, and he is a competent person to do it, and, therefore, the voter will never be subjected to any evil, except that which he creates himself.

1159. Then, as I understand you, you want no person to intervene between the claimant and the Clerk of the Peace?—No; the claim should come direct to him.

1160. Those claims are to be made out by him and sent to the overseer to be published, according to the provisions of the Act of Parliament as it at present exists?—Quite so.

1161. What other alteration would you suggest?—I should provide that the Clerk of the Peace should furnish the overseers in each district with printed forms of claim, and that it should be stated in the notice in the first instance, calling upon parties to send in claims, that any voter, by calling upon the overseer, could have a proper form of claim given to him. Then, I think that that would be doing all that you could do for the voter, except in the way of a political association.

1162. You would do that in addition to leaving the person to look at the schedule of the Act of Parliament, and copy the form of claim already provided?—Yes, and I would let it be directed to the Clerk of the Peace.

1163. That is to say, that printed forms of claim should be deposited with the overseers, for any person to get them?—Yes; it would only cost a few shillings a-year for the whole county.

1164. You have nothing more to add with regard to claims?—No.

1165. And with regard to claims which were unsubstantiated, you would give costs to the objector?—Yes.

1166. Would you give costs equal to the expense to which he had been put?—I think so.

1167. And so again with improper objections?—Yes.

1168. Have you anything else to suggest?—No.

1169. Then you think that, if you had proper judges, the system, with those alterations, would be as perfect as the ingenuity of man could make it?—I think that it would be very good. But with reference to a question which was asked Mr. Lewis, namely, upon the subject of appeal, I think that that is a very important one. I think that there is an easy remedy upon that subject. I agree a good deal with what Mr. Lewis said upon it. I have seen Revising Barristers evade giving a case, because, when we came to close points upon it, the barrister would state, as a foregone conclusion, the very question at issue; and I have myself had a difficult question for four or five years, which I have wanted to take to the Court of Common Pleas, but I have not been able to take it there, because I could not get the Revising Barrister to state the question.

1170. Is not the same objection taken to Courts of Quarter Sessions, and to all recorders with regard to the Criminal Appeal Act, and in point of fact, to the judges of the land, who will not reserve points, and to everybody who presides in any court whatever, where the privilege is given to him to say whether or not his judgment shall be appealed against. Does not the same objection apply equally to every other court in the county?—I think not. The Revising Barristers, unfortunately, are not the judges of the land, but, as one gentleman said, they ought to be "respectable failures."

1171. Is not a discretion left to every judge of every sort, from the highest down to the lowest, in many instances, that they shall be the judges as to whether their decisions shall be appealed against, or not?—That does exist, certainly.

1172. And complaints are made of it?—Yes.

1173. What remedy would you propose, as far as the Revising Barrister is concerned?—I would require the Revising Barrister, wherever the person against whom he decided insisted upon it, to state a case for appeal, setting forth the facts which had been proved before him, and the points of law raised, with this condition, that the party making the requirement should deposit a reasonable amount of costs in his hands, as a security that the party was not trifling with him, but that he meant to have the question discussed. Then, I think, you give all parties the necessary protection in that respect. I would impose the duty upon the Revising Barrister to state a case for the Court of Common Pleas, on the condition that the person requiring the case deposited a sufficient sum to pay the costs. A respectable man who made such a request for *bonâ fide* reasons, would not object to that condition, and

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it would obviate what I have seen, namely, that persons endeavour to get the barrister to grant a case, and the barrister enters into a discussion and controversy whether he should grant a case or not, and ultimately the court gets into a state which is not at all desirable.

1174. With those alterations which you have mentioned, you think that the law would work well. Is there any other suggestion which you have to make?—Yes; I would impose another duty upon the Revising Barrister. I would compel him to hear the case of any voter who comes into his court, before the court rises. I have seen more unjustifiable wrongs done to voters, by refusing this, than by anything else, which has crossed my experience in Registration Courts. The Revising Barrister has to revise, say, about 20 parishes. He takes them alphabetically; he calls over A., and knocks it off as soon as he can, and closes the list; and, two minutes afterwards, a well-qualified voter comes into court, and says: "I come to prove my vote;" and the barrister says: "The list is closed, and you cannot do it."

1175. At what hour in the day is that?—Sometimes five minutes after the court sits. I recollect two occasions of that sort last year in which I got into issue with the barrister upon the subject. I spent in one case more than an hour struggling with him upon that question, because I could not give it up, the voter having a substantial and good claim. I would make the Revising Barrister hear a case during the sitting of the court, and adjourn any case to another court upon a formal application being made on the ground of the inability of the voter to attend. I think that the court should not be a disfranchising court.

1176. You think that the Revising Barrister should not be able to strike out the name from the list if the voter is not there?—Not within an hour-and-a-half after he sits.

1177. The Revising Barrister gives notice that the lists for such and such parishes will be taken at such and such an hour?—Not quite so; the hour for sitting of the court only is stated.

1178. And that is a notice to persons interested in those lists, either claimants or objectors to be present at that time when those lists are taken?—Quite so.

1179. The name is called on, and the person does not appear?—But he does appear before the court rises.

1180. Then you think that there ought to be a power to regulate a Revising Barrister different from any judge in the land, who, if persons are not ready when a cause comes on, strikes it out, but in your opinion a Revising Barrister should not have that power?—I think that the Revising Barrister is there not to disfranchise voters, but to revise the list; that is his duty, and he has a handsome payment for it. I observe according to the returns, that the Revising Barristers get something like 15 or 16 guineas a-day, and I think that a Revising Barrister who has that payment ought to do his duty, and I do not think that voters should be disfranchised by hurrying over the lists.

1181. That is highly proper, but still do you think it possible that you could introduce into an Act of Parliament the mode of regulating every minutia as to the manner in which the Revising Barrister is to carry on his business?—Not every minutia, but when flagrant evils are inflicted, you may then pass an act—I observe in Lord Derby's Bill, that such a suggestion as I have just made respecting the right of appeal is adopted—I would give a right to the voter on the mere condition which I have specified.

1182. Have you any other suggestion to make?—No; except with regard to Clause 40 in the Registration Act, namely the power of the barrister as to amendment. I think that that should be extended; I think that his power with reference to amendment should be very much enlarged.

1183. Sir *Edward Colebrooke.*] I understand you to propose that the Clerk of the Peace should revise the list, not merely from information derived from the parties, but from other quarters; from the overseer, or from any information which he can get as to changes in qualifications?—I would not give him the power to remove the name; I would let him get the information, and then let him make his marginal note.

1184. What measures do you propose by which those alterations should be made public?—In the first place by the publication of the list, and secondly that whenever an objection is made, a notice should be sent to the party.

1185. Do you mean a publication by newspaper or on the church doors?—On the church doors; but I think that the publication on the church doors is a very inefficient publication; people do not observe it, especially non-resident people.

1186. Might it not be allowed that persons during a certain time should have access to the list which the Clerk of the Peace had prepared?—I should give that right to all electors of the county.

1187. With regard to the valuation, it is your opinion that it would be of very little service as regards title, but that it would be serviceable with regard to the value of the property?—Yes; I so apprehend.

1188. Do questions as to amount often arise before the Revising Barrister?—Yes.

1189. I do not mean as to the rent paid, but as to the actual value of the property?—Yes; in the case of the occupation in counties a question cannot arise as to value, because the test is not value, but rent. If I occupy a farm worth 100*l.* a year, and I only pay 49*l.*, I cannot vote; rent is the test in counties.

1190. But as regards freeholders or long leaseholders, do you think that his valuation might be accepted as final in the Revising Barrister's Court?—Certainly not.

1191. Why not?—In the first place, as respects all property, it may be subject to mortgages, and in the next place, freehold is different from leasehold, and copyhold is different again. If the leasehold is for a certain term of years, it must be of a greater value, and the valuation list does not give any particulars of that kind.

1192. I am not dealing with mortgages; that is a question of beneficial interest; but as regards the actual value of the premises, is the valuation list sufficiently trustworthy to be accepted as a test?—I think that the valuation, as respects farms and such like, would no doubt approximately give the gross rental; but, as respects the other properties, it could not be of any use, because in the column of owner it simply says "owner," and does not say "freeholder," "leaseholder," or "copyholder," and the amount required in all those cases is different. A 40*s.* freehold

freehold will give a vote; a 10 *l.* leasehold, if the term is of a certain duration, will give a vote, if it is of a less duration it requires to be 50 *l.* In copyhold, again, it must be 10*l.* a-year, free of all quit rent, and such like, and this document gives no information about that.

1193. I mean as to the value of the premises?—Yes; I think that it is fair.

1194. I understand you to say that questions frequently do arise as to value?—Yes.

1195. Do you think that the valuation list is a sufficiently trustworthy test of the value?—It is trustworthy to start with. For instance, I always examine the rate-books for the purpose of registration, and when I find that a person is near 50 *l.* I inquire into the vote. It is received to that extent, but not beyond it.

1196. You prefer that the Revising Barristers should be appointed by the Lord Chancellor or the Home Secretary; do you think that you would then get a higher class of barristers appointed?—Yes, that is my impression.

1197. Do you think that the public would have the same confidence in them?—Yes; I presume that when the power was originally given to the judges, the authors of the Reform Bill were afraid of political motives coming in; but I do not think that that objection is now applicable. The Lord Chancellor and the Home Secretary are both amenable to Parliament. I do not know how it is, but, as a rule, the inferior men on the circuit have these appointments given to them.

1198. With regard to the practical working at present, do you think that they show political bias?—I think not.

1199. You think that they have been perfectly free from it?—Certainly.

1200. And you think that that would still be so?—Yes.

1201. Do you not think that if it was certain that a general election would occur in the following year, there would be a suspicion of that kind?—I think not; the higher the character of the man, and the abler he is, the freer he is from an objection of that sort.

1202. Mr. *Evans.*] Is it your opinion that whenever a man is objected to by anybody, be it who it may, he should have a notice of objection besides what is put upon the church-doors?—Certainly.

1203. Do you think that in every case the grounds of objection should be stated?—Yes; and I see no difficulty in specifying the grounds sufficiently near for all purposes of discussion.

1204. Mr. *Locke King.*] According to your plan, you give the Clerks of the Peace some additional work, do you not?—Yes; it is routine work.

1205. Probably you are aware that they are a class of gentlemen who do not work very economically, and who do not like additional work; how do you propose to remunerate them?—The overseers are now paid by an order from the Revising Barrister for preparing bad lists; I think that the same fund might be paid to the Clerk of the Peace for preparing good ones, and I have no doubt that that would more than cover the sum required.

1206. Do you think that the Clerks of the Peace would be satisfied with that sum?—Yes; the Clerk of the Peace has the main work to do at present; he has to make out the register; he has to add the number of electors; he has to state the polling district in a case where a man comes from one district to the other to vote. I think that he has to do the main work which would be thrown upon him under the new system.

1207. Would there not be also a good deal of correspondence?—No; it would merely be a form, and with three or four clerks to do the work, you would get out thousands of circulars in a short time. I am sure that there is no practical difficulty.

1208. With regard to purifying the register, in your opinion, would an index at the end of the register, containing the name and the number on the register, be an improvement; have you turned your attention at all to that subject?—I do not quite understand the question.

1209. In large counties, take, for instance, a county with 100 parishes, you have no means of finding any person on the register unless you know the parish?—You mean an alphabetical register of the whole county?

1210. Yes?—I do not see that that would help to purify the register, because it would be of no use except to a political agent, and he does it for himself. All the information which the overseers would want, would be in reference to their own neighbourhood. I, for instance, form an alphabetical list for my own county. But Mr. James's proposed list meets that point very nicely indeed. I have read his form pretty carefully, and he transfers from every parish in the county to the parish in which the voter resides the qualification, whatever it may be; so that you thus get the whole of the qualifications brought into the man's own parish where he has resided, by which means his position on the register is sure to be accurately known. You get rid of the main difficulty of the register in that way.

1211. Mr. *Wynn.*] I understand you to propose that the Revising Barrister should have power to summon witnesses by subpœna in support of a qualification or of an objection, as the case may be?—The Clerk of the Peace should have the power.

1212. And as to the costs of those witnesses, you would give him power to award to them their actual expenses, and an amount for loss of time?—I should give a subpœna as a matter of right, being accompanied by the expenses, as it is now in an ordinary trial.

1213. And you propose that the same rule should apply to persons objected to, namely, that the Barrister should have the power of awarding to persons objected to for the second time, having once proved their qualification, the actual expenses out of pocket?—Yes; and of paying them for their loss of time.

1214. You were asked what was the scale upon which that payment should be awarded, and I understood you to say that you should have some difficulty in framing it?—No; the point upon which I said that I should have some difficulty was, whether I would limit the amount, whether it should be 3 *l.* or 5 *l.* I think that the amount should be such as to protect a man against injustice.

1215. Should you see any objection in adopting the Home Secretary's scale in criminal cases?—No.

1216. It is below the actual expenses, but approximates them?—I think that it should be something of that sort.

1217. You propose that the Revising Barrister should hear any case of an elector who comes before

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before the court rises, after the list for his own parish has been closed?—Yes.

1218. Are you not aware that there would be great difficulty in that, from the fact that the overseers and local agents of the parish invariably pack up their papers and go the moment their certificate is signed?—But if the system is carried out of the Clerk of the Peace taking the superintendence of the matter, I do not see why the overseers should attend the court; I should save that expense; I think that it is a very superfluous expense. If the theory which I have shadowed out, namely, that all notices of claim and objection should be sent direct to the Clerk of the Peace, were carried into effect, he would have the custody of them, and the only purpose for which the overseers now come into the court is to produce these original documents.

1219. How would it be as to the rate-books?—The rate-books are not wanted; they are no evidence for requisite information. They do not bring the rate-books.

1220. To what counties does your experience extend where they do not bring the rate-books?—They do not bring them for county qualifications; they are not of the slightest use; they are no evidence of any sort; for boroughs they are of use.

1221. Do you mean that, so far as your experience goes, you have not been in the habit of seeing the rate-books?—No; they do not bring them; they cannot be referred to.

1222. Cannot they be referred to as evidence of value?—No; nor of the rates. No rates are required to be paid.

1223. But I mean as evidence of value?—No; they would not be received as evidence of value. It would be open to grave objection if they were received as evidence of value.

1224. Mr. *Walter.*] With respect to the statutory declaration, I think you proposed that every fresh claimant, with a view to saving the risk of being objected to, and having to pay his own costs, should be allowed to make a statutory declaration of his claim?—Yes.

1225. How do you propose that that should be furnished to him; by whom would it be done; where should he get the form. Take the case of a fresh claimant, who wants to be put on the register; is the form to be sent to him, or is he to apply for it, and to whom?—He must apply for it where he thinks he can get it. There would be no difficulty in his getting it in any county where the registration is attended to.

1226. The form, I presume, would include the description of his qualification, and all the circumstances under which he claimed a vote, would it not?—Yes. The form might be prepared in general terms, but I doubt whether that would be altogether satisfactory; I think that the declaration to give the voter a protection ought to state sufficiently in detail the points which go to make up his proper qualification.

1227. Do you mean that he should have this form drawn out for him, and take it before a magistrate and make a declaration?—In the ordinary work of registration the political agent would be quite ready to do it; he would always do it.

1228. Suppose there is no political agent?—Then, if a man will not take the trouble to get a declaration, he ought to appear. I propose the statutory declaration with the view of giving the claimant a protection. Any one can prepare it. A man could always get it done by asking some neighbour or friend, if there were no political association; but, in point of fact, few claims are sent in unless they originate in party political action.

1229. Viscount *Enfield.*] Can you state how many appeals are made annually from the decisions of the Revising Barrister's Court, in the county of which you have experience?—I think that I have got three during six or seven years.

1230. Out of how many new claims?—I think that last year our objections were about 1,100 on both sides.

1231. And you only had three appeals from the decisions of the Revising Barrister?—We could not get cases. In the most important case in which I was interested, and in which I wanted a case, I could not get it from him, because he would not state the facts so as to raise the real question.

1232. Was that one particular case, or a class of cases of the same description?—It was a class of cases; they were land society's cases.

1233. How many were of that class?—Fourteen, I think; it was a very important question, and I could not get the barrister to state it.

1234. The case was refused?—Yes, in effect; he said, "I will not state it in that way, because I am judge of the law and of the fact, and I will only state the fact so-and-so." When he therefore stated the result instead of stating the fact (because that was what he did), I could not raise the question before the court.

1235. What is the number of the constituency of Berkshire?—Between 5,000 and 6,000.

1236. Can you state in round numbers how many fresh claims are generally made every year; taking last year, for instance, how many objections were made?—I think that last year I sent nearly 400 new claims; we have a very large number of claims every year, but we have lost a very great number of them by objections.

1237. Do you know how many objections were taken?—Twice that number; we have been fighting very vigorously indeed.

1238. Then, about one-fifth of the constituency are objected to?—Last year, I think that I lost quite as much by unfounded objections against registered electors, as I gained by new claims; and I think that it is a great evil that objections can be taken as now, broadcast, and that perfectly well-qualified persons can thereby be struck off the register.

1239. The remedies which you have mentioned, and the suggestions which you have made, will affect, more or less, all county constituencies?—Yes.

1240. And the larger the constituency, the more those remedies will be required?—Yes.

1241. *Chairman.*] You wish to make an observation upon the 40th clause of the Act of the 6th of Vict.?—Yes; I think that the Revising Barrister ought to have power to amend misdescriptions which are simply insufficient in law. You observe that now, if a description is insufficient in law, all that the barrister has to do is to expunge the name.

1242. Unless the matter or matters so omitted, or insufficiently described, be supplied to the satisfaction of such barrister, before he shall have completed the revision of such list?—You are now going to the end of the clause, which refers to misdescriptions.

1243. I am not. I am reading the earlier part of

of the clause?—"That the Revising Barrister shall correct any mistake which shall be proved to him to have been made in any list, and shall expunge the name of every person whose qualification, as stated in any list, shall be insufficient in law to entitle such person to vote." He must of necessity expunge it. I should propose that he should make the amendment, provided the description is such as not to have misled any one. I would enlarge his power of amendment there; it would save a great many good votes in the course of a registration.

1244. You would give him a wider discretion in that respect?—Yes; he should amend all descriptions insufficient in law, provided that they were so expressed as to have been clearly understood; for instance, if a man is on the register for a rent-charge issuing out of land, the barrister under that must expunge, but he cannot insert the words "freehold rent-charge," although everybody knows perfectly well what it is. I would give the power of amending it when the description is sufficiently clear, and so as to be clearly understood.

1245. Mr. *Locke.*] Suppose that a man claims as a freeholder, and that he is a leaseholder, would you let the Revising Barrister alter that?—Yes, I certainly should, if it was of ample value; if a man had sufficiently indicated his claim, I would give every facility for a *bonâ fide* vote.

1246. *Chairman.*] That would be a substitution of one qualification for another?—Yes, in form only; the change of qualification in substance is not the point upon which I now am.

1247. Mr. *Locke.*] You must not change the qualification; but the question is, how you will define the duties of the Revising Barrister, so as to enable him to do what you think he ought to be allowed to do, and to confine him precisely to that; and that he shall not by the alteration be enabled to substitute leasehold for freehold, substituting a new qualification altogether?—It will be for the Committee to decide that question. I have seen a great many good claimants lose their franchise in consequence of the barrister not being able to insert their names from technical objections, and I merely make the suggestion on that account. There is another proviso in the clause by which it is provided that, where an objection is taken to the place of abode, the place of abode may be correctly supplied, if it is proved that the person is also entitled. If the objection was simply to the place of abode, I should not allow that requirement under the new system. The 40th clause would want to be entirely recast. If you specify the objection to be to the place of abode, the objection ought not to go into any other matter.

Martis, 8° *die Martii*, 1864.

MEMBERS PRESENT:

Mr. Sclater-Booth.
Mr. H. A. Bruce.
Sir Edward Colebrooke.
Mr. Collins.
Mr. Dodson.
Mr. Algernon Egerton.
Viscount Enfield.
Mr. Evans.
Mr. Hunt.
Viscount Ingestre.
Mr. Locke King.
Mr. Locke.
Mr. Charles Wynn.

JOHN GEORGE DODSON, Esq., IN THE CHAIR.

WILLIAM AKROYD, Esq., called in; and Examined.

W. Akroyd, Esq.
8 March 1864.

1248. *Chairman.*] YOU have been engaged, I believe, as a registration agent for some years in Worcestershire?—I have; I have been actively engaged since 1859.

1249. Have you had experience of registration in other counties?—To some extent in South Staffordshire.

1250. Have you been concerned for both divisions of Worcestershire?—No; for the eastern division only.

1251. What is the constituency of East Worcestershire?—It comprises every class, from the purest agricultural to entirely manufacturing, commencing with Shipston in the south, and going to Dudley at the northern end of the county; there is every kind of person residing in it; it is a very mixed constituency indeed.

1252. What, in your experience, should you say are the principal evils which arise from the present system of registration?—The greatest evil I apprehend as affecting registration as the law now is, is the way in which persons are enabled to object to a large number of persons on the register, almost without assigning a reason, putting persons to great inconvenience, and trouble, and cost, and not unfrequently owing to the inability of parties to attend, striking off persons who have a very good qualification.

1253. That power of making unlimited objections is to a great extent now necessary, is it not, in order to maintain the purity of the register?—I do not think that it is absolutely necessary as you put it; as the law now stands, perhaps it is necessary; and yet not for that purpose. Of course party always enters into the registration business, and it is necessary more for the purpose of preventing one party from having an advantage over the other. The parties who are immediately concerned in the registration, almost invariably take a very large number of objections which have no reference whatever to the *bonâ fides* of the qualification, as, for example, change of residence, error of description in the fourth column; the tenant has gone, and some other tenant is there; mere clerical errors on the face of the register, arising from various causes; perhaps, imperfect writing on the face of the register, which is not a good thing to write upon, being closely printed and sometimes on very indifferent paper. There is sometimes, also, a mis-spelling of the names of places and proper names, it being printed in a locality not unfrequently far removed from the residence of the parties who are concerned. All those various causes enable an agent to take objections, and he takes them; and it not unfrequently happens that, before the day of revision, an arrangement is come to between the agents to withdraw a considerable number of those objections, in order to save the parties trouble. The remedy which strikes me for that evil is, that in all those cases, costs should be given against an objector, in fact against every objector who takes an objection, otherwise than one which arises out of the possession or non-possession of the qualification.

1254. Would you give costs against an objector who objected to a new claimant?—No. I think that every new claimant ought to be compelled to come into the revision court, or some other similar place, and substantiate his claim the first time; and, having done so, I think that if the objector takes an objection to what we call a re-claim, and does not strike out the claimant, the costs in that case ought to follow as a matter of course.

1255. Do you mean that you would not leave the costs in the discretion of the barrister, but that they should follow the decision as a matter of course?—Yes, as a matter of course.

1256. Would you give costs against every one who objected to a registered voter, whether that registered voter had even proved his vote before or not?—No; I think that every person on the existing register should establish his right once to be upon the register. It would depend upon circumstances; it would depend upon the condition of the register; I venture to say that in East Worcestershire, at the present time, that would be unnecessary; but in counties where there has not been for a considerable period a contested election, and where, almost as a consequence upon that, no great attention has been paid to the registration, the register is in so impure a condition that it is absolutely necessary, in my opinion, that something should be done in those cases to show that the parties on the register have a right to be there, because the counties in those circumstances are places in which persons who have no qualification make claims. There are various reasons which lead persons to desire

desire to get upon the register upon the chance of a contested election. Moreover, it is not unfrequently used as a matter of reference to establish a man's character for wealth. I presume that if a change similar to the one which I have mentioned took place, it would be necessary to deal with all counties alike; but the evil would be very trifling in any county where the registration had been tolerably well looked after.

1257. Should you propose that a voter who had once proved his right to a vote should have any distinctive mark against his name in the register which would be a notice to objectors that he had proved, and that if they objected to him they would do so at the peril of being subjected to costs?—If the plan which I have indicated were adopted that would not be necessary, because the register at a given time would be assumed to contain no persons but those who had proved their right to be upon it. The register, as published on the 1st of December, would be the register upon which the parties had proved their right to be; then, all new claimants afterwards should be open to objection, and be, in like manner, required to come into court, or to some place, and to prove their right to be upon the register; and being there every possible means, in my judgment, ought to be resorted to enable them to remain there without let or hindrance, annoyance or interruption.

1258. Would you increase the amount of costs above what the Revising Barrister has now power to give?—My view of this case is rather an extended one, and, if you will permit me for a moment, I will travel a little way from the question which you have put. I myself think that a far better machinery for carrying on registration business might be devised than that which at present exists, and therefore I cannot answer that question as to the power which I think it would be desirable to confer upon the Revising Barristers with reference to costs. I know that their conduct is so variable upon the matter that it is very difficult to say how far I would limit them with regard to costs, or how far I would restrict them.

1259. I presume that you consider that another of the great evils of the present system of registration is the facility which exists for unfounded claims being made, and therefore obtaining a position upon the register?—Yes; I think that there is great facility. I may mention that I found one gentleman upon the East Worcestershire register in four different parishes, neither of which parishes, I dare say, he ever saw. I had a good deal of trouble to make him out; his name was Jones, not a very uncommon name. At last I objected to him, and I took him off the entire register.

1260. I think you said that you had an idea that a better machinery could be devised, which would tend to remedy the evils which you have mentioned as existing?—I think so.

1261. Will you be good enough to state to the Committee what plan you would suggest?—I think, in the first place, that it is very desirable to afford persons facilities for making their claims. It appears to me that that object and other collateral objects would be attained, if there was in every considerable place, the centre of a given area, an office always open, to which a person having obtained a qualification could at any time go and and make his claim. I should suggest, that, having made his claim, it should be the duty of the officer to post up in his public office the name of the persons, his place of abode, the qualification for which he claims, and also its particulars. I think that that being done it should be the duty of that public officer previously to a given day to give all those parties who had made a claim notice that unless they came into court and substantiated their rights to be upon the register, and that without the action of any official objector they would not be upon the register for the next year, or until they had made a new claim and substantiated it. Then being upon the register, as I have before observed, the person would be free. If costs followed, as a matter of course upon the want of success on the part of any objector if he failed to strike out the name from the register, I believe that the electors would have an immunity from the great annoyance and trouble, and costs to which I have before referred, and practically, I believe, that it would make the business of the revising court a mere bagatelle—the evil would be very trifling indeed—few objections would be taken.

1262. You say that there should be an office where a person might claim at any time in the course of the year?—Yes.

1263. Is not there this difficulty in the way, that, as the Act regulating the franchise now stands, a man must have been in possession of the qualifying property on a certain day in the year, namely, the 31st of July?—Yes, that would be for him to prove; I do not think that that would alter it at all—it would not at all affect the qualification—it is simply the manner of doing the business.

1264. You would allow a man, for instance, to claim in March for a property which he must possess on the 31st July following, in order to entitle him to a vote?—Yes; I do not think that it would at all affect the qualification as at present. He must have had his property on the 31st of January, in order to have a qualification to claim on the 31st July; and so assuming that a man had obtained the property in January, and happened to be in the market town at the office which I have indicated, I would enable him to come in then, and to come into court, assuming it to be held in October as it is now, and prove his qualification.

1265. Then you would allow a man, if I understand it, to go to the office and advance his claim at any time in the year?—At any time.

1266. He would have then to substantiate that claim at some period after the 31st July?—Exactly so.

1267. Before what court do you propose that he should come and substantiate it?—I have in my mind's eye a machinery which is at present in operation, and I have looked at the whole question. I know it tolerably well, from a large experience, because I do all the business of the registration in East Worcestershire, including attendance in the Revision Court. I do not even take a solicitor. I do the whole of it. I have in my mind's eye the county courts, which are always open. There are there two persons, both learned in the law, namely, the judge and the registrar, and it occurs to me, that with regard to all the technical objections, that is to say, all the amendments of the register as to mis-spelling, change of residence, or any error whatever, not affecting the qualification, the registrar of a county court is a very fit and sufficient

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sufficient tribunal for making those corrections. I also think that, inasmuch as the registrars are entrusted with everything in connexion with bankruptcy but that of issuing a warrant and granting the discharge, they would in every case in which the party was not disposed to appeal, be fully competent to decide the question of the franchise. Then, assuming that that was the case, you would, if the matter came within the county court, have a scale of costs fixed, which the law has determined; and it might be safely left within the power of the court, without any restriction whatever.

1268. You say that the county court is a court which is always open. Then, you would not confine a claimant to coming forward to substantiate his claim within the six weeks in which the Revising Barrister now holds his court?—Yes; I think that that is necessary. There must be a fixed time; there must, I presume, be a court to be held on purpose for such business as that. I believe that the county court districts are, in a manner, union areas. My experience would lead me to think that one day in each county court district would be sufficient for the revision, and it might be a day fixed absolutely in October, as it is now confined to six weeks, the greater portion of which are in October.

1269. You think that the county court judges have not so much to do already, but that they might also discharge this duty in regard to registration?—I do. I may mention that I am connected with county courts myself, and perhaps I have a little prejudice on that account; but, knowing the machinery so well, it seems to be very simple, and being in operation, I am sure that it would be much more economical than the present system, and I think that it would cast very little labour indeed upon the judges. Bankruptcy in county courts does not create much labour for the judge, it is more for the registrar, and the view which I take of the case is that the question is so simple as to the qualification, and that there are such a large number of decisions, that nobody can be wrong, and that the registrar would be fully competent to deal with almost the whole of the registration business. If there were exceptional cases, then the judge might come in as he does in a contested bankruptcy, and act pretty much as a court of appeal.

1270. You say that the claimant should substantiate his vote before the county court, and that then anyone objecting to him should object to him at his peril. In what way do you propose that the claimant should substantiate his right to a vote?—He should come in either by himself, which would be the better way, or by some authorised agent, who should not be permitted to appear unless authorised under the hand of the claimant. My reason for that is this; the present system is attended with great hardship, and claims are sent in without the claimant knowing anything whatever about it; he may not desire to be upon the register. I have very frequently known that a man does not desire to be upon the register for personal reasons; he may not be of the same opinion in politics as his employer or his landlord: that applies to both classes of persons and both sides. The claim is sent in without his knowing it; he is of course objected to, being a new claimant. Some person in the court volunteers to prove that he has a qualification. Not unfrequently, with regard to occupancy, the overseer will be called before the Revising Barrister; of course there cannot be a more competent person than the overseer of the parish to speak to the value of a man's farm unless it be the owner of the property, or the man who pays the rent; and it not unfrequently happens that persons are in that way put upon the register against their wish. It is also within my knowledge that managers of works not unfrequently resort to the same plan; not so frequently as in the other case, because that class of persons are more willing to go on the register, and they are under less influence.

1271. The person, having appeared by himself or by his agent, what proof do you propose that he should offer of his right to a vote?—If he claimed as a 40 *s.* freeholder the question which I would put to him, which is the one that is I invariably put, is, "Have you a clear 40 *s.* in this property?" and if the man deliberately, of course speaking upon oath, said that he had, I should let it pass without another question, except as to time of possession, and mode of obtaining. I may mention that the question of mortgage which arises out of this part of the case is one which is very annoying, and it is very much with regard to that that I feel so strongly the necessity for giving costs as a matter of course. It is generally held now, as a good ground of objection by the Revising Barristers, that a man's property is mortgaged; and the simple fact of the man being present is occasionally used for the purpose of extracting information from him and from others. I have known a man, with a property in which he had between 300 *l.* and 400 *l.* clear, examined for quarter of an hour, and questioned in every possible direction, I will not say with sinister views, but for some purpose besides the establishment of his right to be upon the register. In a case of that sort I think it is a very proper thing that costs should follow as a matter of course.

1272. Would you allow an objector to a new claimant to endeavour to show that he was not entitled to the vote which he claimed?—I would allow any man upon the register to object to anything which he pleased at his own proper risk, namely, the risk of costs.

1273. Although it were to a new claimant?—Although it were to a new claimant. I think that would effectually cure it; my experience would lead me to say so.

1274. With regard to the correction of errors upon the face of the register, namely, correction as to voters' addresses, insufficient description of their property, and so forth; have you any suggestion to make for providing for such corrections as those?—A Revising Barrister now has the power to amend the second and fourth columns without a new claim being sent in, and very properly so; but it is a question whether those amendments could not be made by local authority better than in the Revision Court. If a machinery somewhat of the kind which I have indicated were set up it might be the duty of a person connected with it to do what every person engaged in registration business does, namely, to note the changes which arise; a change of residence, for example; or the sale property. Of course, we are always looking after the obituaries, and sales of farming stock, and so forth, sold, and all that class of thing; by that means a very large number of corrections might be made.

1275. What official would you entrust with that duty?—I think the Registrar of the County Courts. Sometimes I have thought that a machinery

machinery equally applicable was that of the Clerk to the Poor Law Guardians, but I do not think that that is so, because they have not an office always open, and are not unfrequently in much worse situations for general convenience. I am the chairman of the union, and I have turned that subject over in my mind. It strikes me that the best machinery would be the county courts, because they have all the appliances; they have clerks, and they have general knowledge, and they have the machinery whereby the service of notices might be done; such a notice, for instance, to a man as I have proposed, namely, "If you do not come and prove your right to be on the register you will go off." It would be served in the same way as a summons upon a plaint.

1276. From what source do you propose that the registrar of a county court should derive the information which would enable him to make these corrections?—That knowledge he would not have the slightest difficulty in obtaining.

1277. Should it be the duty of any official to furnish him with that information?—I think that he would have it under his own control. I think that the officers of the court, as they are continually going round and know almost every man in the district, would be able to furnish it.

1278. The registrar of the county court has no knowledge of his own whether A. has left such a farm or not, or whether he has gone to live at No. 10 in one street, instead of No. 12 in another?—He has not; but the bailiffs of the court have that knowledge with regard to almost every man in their district.

1279. Then should it be the duty of the bailiff of the court to collect this information for the registrar?—Yes; that might be a part of their duty. It is not easy to point out anything which is entirely satisfactory for that part of the case; even the overseers are imperfectly informed upon that matter. Perhaps the assessment is the document which would be most likely to furnish the information officially.

1280. Would you propose to relieve the overseers from all duties connected with registration?—I would. And it would be a very great relief to them except in those parishes where assistant overseers are kept, and there the business is, of course, done very much better. The present mode is also an expensive one.

1281. Then you propose that the correction of errors on the face of the register, namely, of addresses, and so on, should be effected by the registrar of the county court from information which he derives from the bailiff of the court, and, also, I presume, from information which any elector, wishing to make a correction in his entry, would communicate to him?—Of course, from any source whatever.

1282. Would you still leave it open to any registered elector to object to any other elector on the register, on the ground that there was an erroneous address, or that the description of his property was insufficient to identify him, or on the ground of any error in the 1st, 2d, or 4th column?—I would leave it open to him to object generally, with this certainty, namely, of having to pay costs if he did not succeed. And there is this matter, which is very important when we look at this part of the case: an objector takes our objection; he sees the party in court, and he has doubts as to the propriety of the objection; the objection perhaps is a frivolous one, and he withdraws it. At present no costs can follow. But if the party came into court, let the court be what it would, to establish his claim, and the objector had served a notice of objection upon him, I would make him pay the costs of the party, if he substantiated his right to be upon the register, even if the objector withdrew the objection.

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1283. Would you require the objector in his notice of objection to specify the ground of the objection which he took, and confine him to that?—I think not; I think that perhaps that is rather too definite.

1284. Is it not the case now, that an objector takes a random objection, and trusts to being able to hit off some point in the course of examination which will save his objection from being held to be groundless, or frivolous and vexatious?—At present the grounds of objection are so numerous that he can get off. I may mention as an illustration, that in the year 1859 I caused 2,700 objections to be served in East Worcestershire, and out of all that number I only paid costs in two cases. It was a great fight; it was the first year in which systematically I took the register in hand, and we fought every case. There was an application for costs in every case in which there was the slightest chance, and I am quite sure that I am correct in saying that I paid costs in two cases only.

1285. I do not understand that you would propose to diminish the number of grounds of objection which one elector might take to another?—I do not; I think that the liability to costs would be sufficient, not so much on account of the money as the annoyance of being mulcted in costs. It is the fact that he has done his business so badly that annoys a registration agent a great deal more than the payment of the money; and I think that it would be quite sufficient to prevent any frivolous objection whatever, if costs, as a matter of course, followed the non-substantiation of the objection.

1286. For instance, an objector would give notice of a general objection to an elector, the elector would not know whether it was his qualification which was being attacked, or what point it was; he would be put to the trouble, perhaps, of bringing his title-deeds along with him, thinking it necessary to prove his title to his property; but the objector might restrict himself to something of this sort, that the voter lives at No. 10 in a certain street instead of No. 11, as he was entered in the register, thereupon, the objector would, I presume, have made good his objection, and not be liable to costs?—That would not be my view of it; the objector, in my opinion, should not succeed if the ground of objection was, that the voter had changed his residence, or that there was a misdescription, the change of a tenant, for instance, in the fourth column. If John Jones was upon the register living in Smithford-street, Leeds, for freehold property in Cottage-lane, occupied by John Thomas, if John Thomas left and William Smith went in, and the objector took an objection to that case, I would mulct the objector in costs if the party on the register came into court, or if the claimant had gone from his place of abode in Smithford-street to live at Belfast, and still held the property in Cottage-lane, a freehold house or whatever it might be, I would mulct the objector in costs, it being no part whatever of the claimant's title to be upon the register where he lives, or who is his tenant, but simply that he has 40*s.* a-year, or 10 *l.*, as

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the case may be, freehold, or copyhold, or leasehold, and therefore, I would, without any hesitation whatever, mulct the objector in costs; they should follow as a matter of course.

1287. Then you would make the objector pay costs unless he succeeded in expunging the name from the register?—Yes, except in the case of new claims, and there my plan would save the necessity of what may be called official objections altogether, because the parties would send in their claims, and they would receive a notice that on a certain day they must come and substantiate their claims; and, therefore, there would be scarcely anything whatever for the objector to do.

1288. Would not the result of that be, that no elector would object to another elector on any other ground than that he was not qualified?—Exactly so; that is the issue which I should like to raise.

1289. The result would be that the correction of the register, as to minor errors, would be effected entirely by the action which you have suggested of the registrar of the county court, assisted by the electors themselves, and by the officers of the county court?—Yes.

1290. I think you have said that the rate-books or valuation lists might be a useful source of information to the officers of the county court as to the qualification of electors?—They would be useful with regard to occupancy only.

1291. Do you not consider that they would also give useful information as to the owners of property, and the value of property?—With regard to the value of freehold, for instance, there is not one freehold in 50,000 which is not worth 40*s.*, and therefore that information would not apply to that property. With regard to 50*l.* occupiers, or whatever may be the sum, supposing the franchise lowered, the rate-book would be a very good authority, because they are never rated higher than the actual rent, or in very few cases; now and then a case occurs, where property has been held by the same family for long periods, where, but very rarely, indeed. Therefore, to that extent, the rate-book would be an authority. There are cases in the county, where persons have been a long time on the estates, and the rent has not been raised, where the property is assessed at more than the actual rental, and properly so.

1292. Have you ever considered the possibility of assimilating the county registration to the borough registration, and making it the duty of some official agent to put on the register the persons entitled, and to strike off those who became disqualified?—I am not acquainted with borough registration; I have never had anything whatever to do with it, and, therefore, I cannot give you an opinion upon it.

1293. But you think that the rate-books contain so little information as to the owners of property, that they would be of little use to the officials of the county court with regard to freeholders?—I think that they would be of very little use indeed, because, from an intimate connexion with that class of business for 25 years, during nearly the whole of which I have been chairman of a Board of Guardians, I know, of my own knowledge, that a large number of persons remain as owners of property on the rate-book years after they have been dead, or have sold their property, and a change has taken place.

1294. Would you propose that costs should be given as now, not exceeding a maximum of 20*s.*, or would you, in any cases, give the Revising Barrister power to enlarge that amount of costs?—I think that the rule which holds good in courts of law should apply, with reference to persons of a certain class. A labourer, in the County Court, gets 3*s.*, a tradesman gets 5*s.* or 7*s.* 6*d.*, and a professional gentleman gets 10*s.*, and they get their travelling expenses. It is very desirable, no doubt, that the persons should prove their case for themselves, but some person might come by their authority and, perhaps, save a person coming 200 or 300 miles; those, however, should be the exceptional cases. I think that it is very desirable that the persons themselves should come, and being brought there adversely, I think that they should get fair and reasonable costs. I do not think that it should be carried to such an extent as to act as a punishment or a fine upon the objector, but, I think that, if persons are unnecessarily or improperly brought into court, they ought to receive something to meet their expenses. I may mention, upon that point, that, in all my experience, I have never known 20*s.* of costs given. The highest amount within my practice which I have ever known given, was 10*s.*, and in that case I had to pay it, and it was wrong. I was quite right in my objection, as the barrister afterwards told me. I objected to the gentleman because he had been a bankrupt.

1295. In your experience do you find an unwillingness on the part of persons to take the trouble of making a claim?—I do, as regards some persons.

1296. You are obliged to give them every assistance, and to hunt them up, in fact in order to induce them to claim?—Yes; and I have known seven persons out of twelve in a given locality who refused to come in order to substantiate their right to be upon the register unless they were paid for their time, although the claim was made, and they received notice from the one side that they would be objected to by the other, and urging them to it; and, although the distance was under two miles.

1297. Under your plan a new claimant would not only have to send in his claim, but would have to appear by himself or his agent in order to substantiate it?—Yes.

1298. Do you think that you could induce persons to take the trouble to do that?—All those persons who felt that they had a public duty to discharge, and who felt sufficient interest in the matter would do it. There are a class of persons who do not feel any interest in such matters, and they would not do it; there is another class of persons who are, as I have before intimated, in circumstances in which it is not desirable that they should do it; and those persons would not do it; but all the better portion, all those men who have any regard to their duties as men, would do it.. I myself have a strong opinion upon the subject, and I think a man who does not come voluntarily and take a part in the discharge of those duties is much better off the register; I would afford the persons every facility for doing it, but I would have the claim signed by the party himself or certified by some other party under his hand that he had made his mark, and that that was his claim.

1299. Then probably the effect of your plan if carried out would be, that there would be fewer claimants

claimants than there are now?—One cannot be sure about it, but I think that the increased facility by a person being able to make a claim at any time would go to counteract the want of activity, if I may so put it, of the agents.

1300. Do you think that the knowledge which people have now, that if they put their names on the register, they will be exposed to be liable annually to be objected to, has any effect in discouraging persons from registering?—Yes, a very considerable effect, that is to say, it operates upon a very considerable number of persons.

1301. Do you think that if they had the knowledge that if they were once registered, and substantiated their claim, any person objecting to them would be liable to costs, it would appreciably encourage persons to register?—I think that it would.

1302. If I understand you, the correction of the register under your plan would in a great measure depend on information to be furnished by the elector whose entry was to be corrected?—Yes.

1303. Do you think that electors would to any extent take the trouble of furnishing that information?—I do, and I base that opinion upon my own knowledge that in the case of a large number of persons who have not sent in new claims, or as we call them re-claims, I send out a form to them to persons at a distance who we know have changed their residence, and they sign it, requesting me to get the Revising Barrister to amend their place of abode in the second column.

1304. Do you find that those forms which are sent out are generally responded to?—Yes.

1305. In the majority of instances?—Yes.

1306. Mr. *Hunt.*] Is there not a little unfairness to occupying tenants that the 31st of July should be the day on which they have to prove that they have the qualification?—It depends upon circumstances, and upon the time when they take their farms; generally the farms are taken at Michaelmas or at Lady-day, and the 31st of July would be much better than the 31st of January. The 31st January seems a very improper time.

1307. If a man claims under the Chandos clause, he must very frequently have had his farm for a year and a half, or a year and three quarters before he gets on the register?—Yes.

1308. Do you think it possible to make a change in that respect?—Yes; in fact I see no objection to a man being in possession for the same time as is required in the case of a freehold qualification purchased. I see no reason why it should not be reduced even to that time.

1309. You would prefer the county court judges as the officials to whom should be committed the duty of revising the lists instead of the present Revising Barristers?—I think that it would be better.

1310. At present the Revising Barristers are persons who have no connexion with the counties, the registers of which they revise?—None whatever.

1311. Is it not always considered an objection to the appointment if the barrister has any local connexion with the constituency which he revises?—Yes; I think so.

1312. You do not know any instance of a man who has a local connexion with a constituency being appointed to revise that constituency?—I do not.

1313. Do you know that when Revising Barristers have taken any part in local politics, they have been immediately removed from that revising circuit?—I have never known a Revising Barrister take any part in local politics.

1314. With regard to the county court judges, do they not, in many cases, reside within the district where they sit as judges?—Some do so.

1315. Where a county court judge's time is fully occupied with his duties, he finds it convenient to reside within the county court circuit?—Yes, generally, or within the neighbourhood.

1316. Do you think that a man in the position of a county court judge would reside in a county and not become more or less connected with the local politics of that county?—He would be sure to be connected with them more or less if he resided there long.

1317. Would it not be very difficult for him not to get mixed up in the local politics of the county?—I do not think that he would get mixed up with them.

1318. If he was a man of political views, I suppose that at the time of an election, he would be, to a certain extent, mixed up with them, would he not?—Yes; if he exercised the franchise.

1319. Do you not think that that might be an objection to the county court judges discharging the duties which you would impose upon them?—I think not.

1320. Supposing that they would discharge them with perfect impartiality, might there not be an imputation upon them, and might there not be a suspicion of their political partisanship in discharging those duties?—I think that we have outlived the period when any imputation of partisanship can be cast upon a judge in this country.

1321. Do you not know that imputations are made against Revising Barristers of giving decisions according to their politics; I do not say that those imputations are rightly made?—I have never heard of it, and I am happy to say that I do not at this moment know the politics of the Revising Barrister whom I have had the pleasure to meet since 1859.

1322. Supposing that an outcry was raised against a county court judge for deciding in a registration court according to his political views, do you not think that it would affect the estimation in which his decisions in other cases would be held?—Yes, certainly.

1323. To go to another point, I understood you to say that you would allow costs in all cases where a person made an objection and failed; did I understand you rightly?—Yes.

1324. That costs should follow the event?—Yes, as a matter of course.

1325. Then you would wish to see an alteration made in the 46th section of the Registration Act; are you sufficiently acquainted with the Act to remember what the 46th section is?—I do not know the section by number.

1326. The 46th section gives power to the barrister to award costs in certain cases:—"If in any case it shall appear to any Revising Barrister holding any court as aforesaid, that any person shall, under this Act, have made or attempted to sustain any groundless or frivolous and vexatious claim, or objection or title, to have any name inserted or retained in any list of voters, it shall be lawful for the said barrister in his discretion to make such order as he shall think fit for the payment by such person of the costs," and so forth.

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You would like to alter that part of the law?—Yes; I would define what was meant by "frivolous."

1327. I understood you to say that you would give costs in all cases?—Yes, I should do so.

1328. Then there would be no object in defining what was "frivolous and vexatious," because you would merely say that if a man did not succeed in his objection, he should be mulct in costs?—Yes.

1329. What would you provide in the case of a person making a claim to a vote to which he was not entitled, and being objected to? Supposing that a person made a claim to a qualification which he did not possess, and was objected to, would you mulct the claimant in costs?—Decidedly so.

1330. You state that it is a hardship upon persons that they are placed upon the register against their will?—Yes.

1331. Has it not been decided that the claim need not be signed by the claimant himself?—It has.

1332. If you were to enact that all claims should be signed by the claimant himself, or with his mark if he could not write, and that proof should be given of that signature, would it not do away with the evil which you complain of, namely, the inconvenience to the persons with respect to whom the claim is made?—Yes; I think so.

1333. Because it would be at their option whether they would sign it or not?—Yes.

1334. And if they could not write, whether or not anyone should sign it for them?—Yes. We know that is done very frequently, but I think that it is very objectionable to send in a claim for a person without his knowledge or consent.

1335. Within your experience, do you find that all persons who are desirous of voting at elections get their names placed upon the register, supposing that they have a qualification?—Yes, as a rule.

1336. When persons have proper qualifications, and their names are not put upon the register, is not the cause, generally speaking, of their not being upon the register that they do not wish to be put in a position to be canvassed?—Yes; and that is the objection which I have to other persons sending in claims for them.

1337. Then, you think that under the present system in counties all persons who wish to have their names on the register, being entitled, do get their names placed upon the register?—Yes; and a great many more where the business is attended to. All who desire it, do get on, I think.

1338. Mr. *Sclater-Booth.*] You say that you would give costs in all cases of re-claim, supposing that a man has already established his claim. Would not that lead to a great deal of doubt as to what was a re-claim; for instance, a man who has a freehold qualification changes that qualification?—That would not be a re-claim.

1339. Then again, in the case of the 50*l.* Chandos voters, is not one of the great difficulties of registering those voters the frequent change of tenure?—Yes.

1340. Then, your notion that a man should only make his claim once, and should afterwards be free from attack upon the subject, would hardly be carried out in practice, because there are frequent changes of claim and of qualification?—Successive occupancy meets that case.

1341. Therefore, in practice, your idea that a voter will only once in his life have to go to the registrar of the county court and make his claim to a vote, will not in fact be realized?—It will be realized as long as he retains the same qualification.

1342. You think that the necessity of making two visits to such a place as a county court would not operate to deter people from claiming to be put on the register?—On the contrary, I think that it would very much facilitate getting on the register if it was always open, and if it could always be done.

1343. You have suggested that the overseers might be applied to for local information, as being persons well qualified to give an opinion as to the value of the property which parties hold or occupy?—Yes; especially with regard to the 50*l.* holders.

1344. If that is so, why should you eliminate from their present position in the machinery of registration the overseers altogether?—In the first place, the business is generally very badly done; in the next place, the overseers are generally under influence. I refer to country overseers, where no assistant overseer is kept.

1345. Do you think that the parish corporate body, as it were, namely, the overseers and churchwardens, in their corporate capacity, if they were directed to make out a list of voters in their respective parishes, would make out false or fictitious lists, you having already stated your opinion that overseers are, of all men, the best qualified to judge of a man's qualification?—I limit myself to the 50*l.* holders, or any occupying qualification, because the overseers collect the rates and they know the rental.

1346. And yet you are not of opinion that the parish authorities should save the time and trouble of the voters, by preparing the original lists of voters?—The overseers get printed a list of the persons who are on the register every year, and then they supplement that with a list of the claimants. You not unfrequently find that they mix up the two together; that they discharge the duty of Revising Barristers, and put the persons on the register themselves, as far as they can, at once. There may not be a better machinery; it is not easy to say what would be a perfect machinery in the matter.

1347. Mr. *Collins.*] Are you aware that no person can be placed upon the list of voters for a borough until he has been in occupation more than a twelvemonth?—I am aware of that.

1348. Therefore, if that is an evil as applied to county voters, the law is the same with regard to electors in boroughs?—Yes.

1349. Are you aware that in boroughs nine-tenths of the voters are put upon the list without asking their consent?—I am not aware of that.

1350. Are you surprised to hear that it is so?—Yes; but I have never taken an active part in any borough.

1351. You do not know that the overseer in a borough, on the 1st of August, makes out a list of every person whom he finds in his rate-book to have occupied premises of the value of 10*l.* a-year during the 12 months preceding?—I do not know that of my own knowledge.

1352. But if that is the case, he would necessarily make out a list of the great bulk of the new persons who had come into occupation during the previous year?—Yes; but every one of those persons has a means of preventing the overseer from

rom putting him on the register by not paying is rates.

1353. Then he must become a public defaulter? —Up to a given time.

1354. The law, I think, in boroughs is this: hat he must have paid all rates laid up to the 0th of January?—Yes, which have been demanded.

1355. Therefore, in order to be disqualified on he 1st of August, he must be six months in rrear of his rates?—Yes.

1356. Practically, are there not very few men n the position of respectable householders who vould wish to be six months in arrear of their ates?—A very large number of them not only vish to be so, but are so.

1357. If the country has thought fit that borough voters should be put on the register vithout requiring them to make a claim, can you ee any reason, on constitutional grounds, why a different law should be applied to counties rom that which is applied to boroughs?—Not at all.

1358. Are you aware that in Scotland and in Ireland the county voters are all placed upon the register by a public official without asking their consent?—I do not know.

1359. Do you see any difficulty, except what you have mentioned, as to the principle of putting voters on the register without asking their consent, in the overseer making out a list of the 50 *l.* occupiers, and placing them upon the register?—Of course there would be no difficulty in his making out a list of all the 50 *l.* holders in his parish, but in my opinion it is a practice which ought not to prevail; I say that no man should be put on the register except voluntarily.

1360. Then of course you differ from the law in boroughs in England, and from the law in counties and boroughs in Ireland and Scotland? —Yes.

1361. But do you see any practical difficulty in the overseer making out a list of persons qualified under the Chandos clause as 50 *l.* occupiers in respect of rent?—No practical difficulty whatever.

1362. You see no difficulty except a constitutional one?—Exactly so.

1363. You think that the overseer has *primâ facie* the means of arriving at a knowledge of the persons who are qualified as Chandos occupiers? —No doubt,

1364. Viscount *Ingestre.*] If a man can claim at any time at the county court, according to your suggestion, how are you to prove that he has not parted with the qualification?—He would have to come into court and prove it.

1365. You are well acquainted with East Worcestershire and South Staffordshire?—Yes.

1366. Do you know whether any men in those two counties, such as ironmasters, who have a qualification, are not on the register?—I do not know a single ironmaster in East Worcestershire who possesses a qualification and who is not on the register; but I am not so well acquainted with South Staffordshire as with East Worcestershire. It was some years ago that I had to do with the register of South Staffordshire; it was in the Anti-Corn-law Association days.

1367. The ironmasters employ an immense number of men; do you not find a great number not registered, from apathy or from attending to their business?—No; very few in the iron works. They are not the class of persons to whom that would apply; that class of men are perfectly independent.

1368. But I think you said that very often persons did not care for being canvassed, and so did not want to be put upon the register?—Yes.

1369. You do not find that in the case which I have mentioned?—Not to a considerable extent among the iron works; that class of men are perfectly independent; they are not the class of men that I refer to.

1370. Mr. *Algernon Egerton.*] You propose that a claimant to a vote should in the first instance send in his claim to a registry office at some town near his residence?—Yes.

1371. Should he be allowed to do it by letter, or must it be done personally?—I should require it to be done personally. He can make his claim by letter now, but it would be a great deal better if done personally.

1372. Would not a letter under his signature be much the same as his personal attendance?— Yes; he taking the consequence if he did not establish his claim, that he would have to pay the objector's costs.

1373. You would not allow anyone to do it for him; it must either be by a letter under his signature, or by personal attendance?—Yes; or by a signature authorised in the case of a marksman.

1374. The registrars would be country lawyers in most instances, would they not?—In all cases.

1375. I suppose that the next step would be, that they would publish the lists of claims.?— Yes, as they came in.

1376. Would they then have to send them to the Clerk of the Peace?—That is a much later matter; that is a question of printing the register. What I suggested was, that the officer having the list, should before the time for substantiating the claims, give notice to every person of the day, and state that unless the claimants came in by themselves, or some authorised agent, their names would not be placed upon the register.

1377. Then, in fact, the list, as published by the Clerk of the Peace, would, as far as new claims were concerned, be a perfect list?—Yes.

1378. Would you have the present system, under which the Clerks of the Peace send copies of the parish registers to the different overseers for publication, continued?—I do not think that it would be at all necessary.

1379. Then the publication of the lists on the church doors would, by your system, be rendered unnecessary altogether?—Yes.

1380. The business of registration would stop as soon as the list of new claims got into the Clerk of the Peace's office?—Yes; for that year.

1381. Mr. *Evans.*] I understand you to say that, in some cases, where questions with regard to freeholders were asked, namely, whether they had a mortgage on their property, the parties were put through a long cross-examination, not with a view to ascertaining whether they had a right to vote, but with the view of getting information which might be useful for other purposes?—Occasionally I have known it so.

1382. Would it not be the duty of the Revising Barristers to stop an examination of that kind?—I cannot define the duty of the Revising Barrister. He must get such evidence as satisfies him that the person has a 40 *s.* freehold.

1383. Would not it be the duty of the Revising Barrister to stop any such cross-examination

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from going farther than what might be necessary to prove that the man had a 40*s.* qualification?—It is an exceedingly difficult task for a Revising Barrister to curtail an agent in cross-examination. Some barristers would say at once, "That will not do; it is very improper; I will not allow you to go on in that way." But some other persons, of milder temper, or perhaps having doubts themselves, would allow it to go farther than is at all desirable.

1384. In fact it is difficult to limit it?—Very difficult indeed. I have laid down this rule myself, and I have never gone beyond it, except that I have done so by way of retaliation. I have asked the party, "Have you a clear 40*s.* in the property?" and if the man has said "Yes," I have never gone beyond that. I think that it is very improper to do so.

1385. With regard to costs, I understood you to say that in those cases where persons had proved their qualification when they were put on the register, if they were objected to, and the objection failed, they should, as a matter of course, have their costs on the second occasion, after having proved their claims?—Yes.

1386. Would you fix the amount of costs?—I have mentioned that I would adopt something like the county court scale, 3*s.* for a labourer, and so forth.

1387. I understood you to say that in your opinion all those persons, or the greater part of those persons, who wish to be upon the register, and who wish to vote at an election do, as a matter of fact, get upon the register?—Yes.

1388. But you also said that that is where the business is attended to?—Yes.

1389. You are probably aware that there are a great many counties, and perhaps by far the majority, where the business is not attended to?—Exactly so.

1390. In those counties do you think that the persons wishing to vote do get upon the register or not?—I think that a very large proportion of them do; but I cannot speak from my own knowledge; I speak from an extended practice in my own district.

1391. You cannot say positively at all how that is?—I cannot; but I should infer how it is from what took place when I came thoroughly and systematically to deal with the register. There are a very large number of persons who remain upon the registers, where they are not attended to, who have no right to be there, and there are a very large number of persons who have a right to be on who are not on; my experience goes to that. There is one thing which has just crossed my mind as a matter of some importance in this inquiry which I may perhaps be allowed to mention, and that is, the way in which the list is swollen by persons being upon the register for very many qualifications. I have an instance in East Worcestershire where one gentleman is upon the register for 13 different qualifications, and, if he buys a farm every year somewhere in another parish, he goes on for that also. I think that that is very objectionable; it gives a vast deal of trouble, and it makes the register look much larger than it really is. In East Worcestershire, which is now slightly under 7,000, I think we have nearly 500 of that class.

1392. Mr. *H. A. Bruce.*] What is the object of repeating the claim?—I do not know; it may be that the person is proud of his acres and of having a large number of qualifications.

1393. Viscount *Enfield.*] Have you had any appeals from the decisions of the Revising Barrister in your courts during the last four years?—No.

1394. Then, on the whole, I may suppose that the way in which the Revising Barrister has done his duty is satisfactory to all parties?—He is a most excellent man. I have never seen a decision which I could have wished altered upon the evidence.

1395. Do you think that it would be better that the county court judge should perform the duties of the Revising Barrister, the Revising Barrister being a person appointed by the judges on circuit, and therefore with a guarantee of the appointment being perfectly free from all political bias?—I think that scarcely any of the business of registration would ever reach the county court judge at all by the plan which I have indicated of a person proving his claim to be upon the register the first time, and with the certainty that a failure to strike him off would be attended with the payment of costs, there would be so few objections taken that there would be really scarcely anything whatever to be done.

1396. You mean by the Revising Barrister?—Yes; my suggestion is that the registrars of the county court should do it; there is no difficulty in it. There are now such a large number of decisions with reference to registration upon the books, that almost any person, if he will take the pains, may master the law in a very short time, and may perform the work of a Revising Barrister. Whenever there is an appeal it is not in a county, or it is very seldom, indeed, that there is an appeal in a county, it is in some place where the constituency is very small, and where there is a class of voters, perhaps some half-score, the getting off of whom would decide the question; such a case as that is carried to appeal, but in the last seven years I have scarcely known a case.

1397. Mr. *Collins.*] There were two cases in the North Riding last year?—The number is very small.

1398. Viscount *Enfield.*] I understand from you that in the first place, either the registrar of the county court, or the county court judge, should be the person appointed to decide whether the first claimants are permanently entitled to be put upon the register, or not?—Yes; practically it would be giving county courts registration jurisdiction.

1399. Is not there a fear that perhaps political bias might influence the decisions of the registrars of county courts, and of county court judges, more than it does now in the case of Revising Barristers?—I think not.

1400. Will you state why?—My experience leads me to think, that the question of establishing the right to be upon the register is so simple an affair, that it is impossible for a man, whatever may be his bias to do wrong in the matter, with regard to the counties, it is impossible for any man to do so.

1401. *Chairman.*] Under your plan, as I understand it, would a copy of the old register be annually published?—Yes.

1402. Where, and by whom?—I should think probably by the Clerk of the Peace.

1403. Where would it be put up?—In the same way as we obtain the copies now, after the 1st of December, by purchasing them from the Clerk of the Peace.

1404. But now every year on the 20th of July,

July, the register is placed on the church doors?—I do not think that that is all necessary; a man remains on the register until he has lost his qualification, and then he is sure to be objected to.

1405. That is to say, he remains on the register till somebody proves that he has lost his qualification?—Until they venture to call him into court to show that he retains it.

1406. Therefore you would dispense altogether with the publication of the old register upon the church doors?—I think so.

1407. And of the list of claims in the same way?—I think so.

1408. Do you consider that your scheme would in any way dispense with the action of political societies in counties?—I think that it would.

1409. In what way would it do so?—I think that it is a machinery, the effect of which would be to put the official objector out of court. There would not be a necessity for him.

1410. Would not the action of a political society be required to watch who had parted with their qualification, and thereupon to make an objection, and to run the risk if the objection failed?—The *bonâ fide* objections are very few after you have once got your register straight.

1411. By "*bonâ fide* objections" you mean objections on the ground of disqualification?—Yes, actual disqualification.

1412. The vast majority of objections are to some incorrectness in the entry?—Technically.

1413. And not affecting the qualification?—And not affecting the qualification. When you have once got the register in order there is comparatively little to do. For instance, taking one district, Shipston, for instance, in the last year I had only two objections in the entire of Shipstone.

1414. Would not the action of political societies and of political agents be quite as much required as now in order to hunt up persons entitled to claim, and to encourage them to come forward and make their claims?—I think not.

1415. Why not?—Because I think that all those persons who desired to go on the register would make their claims, and the hunting up is a matter which I object to. I object to the necessity of practising it. All those persons who desired to get on the register would have greater facilities for getting on than they at present possess. They must do it now between certain times; at a certain time they must send in their claim, and at another certain time they must substantiate their claim to be on the register; whereas, if they had the whole year in which they could go to a certain place and make their claim, I think that all those persons who desired to do it would do it.

1416. You think that if a man is so indifferent to the franchise that he will not take the trouble of making his claim, it will not matter whether he is on the register or not?—Yes; I would rather that he was off.

1417. Supposing that the political party to which you are opposed did not take the same view of the thing, and exerted themselves to hunt up claimants, and to entreat them to claim, and paid any expenses which might be incurred by them, would not your party in self-defence be compelled to have recourse to the same practice?—No doubt.

1418. Therefore would not the result of your scheme be that the action of political societies would still be necessary for the purposes of registration?—I have no faith in political registration societies; I do not place reliance upon them; my experience is personal in this matter. As to the entire of East Worcestershire, I myself could receive subscriptions towards the expenses; I could have a registration association; but by my advice to the late Mr. Foley and the present Members, have declined any assistance of that kind. I am sure that the matter is best done by some one person; the cost is a mere bagatelle. The cost of the revision in East Worcestershire has averaged only 100*l.* a-year since 1859; in that year it was more, because we had a solicitor, who went the round of the courts, and because, in that year we took such an immense number of objections, and they were very expensive; postages were a very large item. In that year the amount was more; but from then till the present time the average cost to the members has been as nearly as may be, 100*l.* a-year, and I am quite sure that if there was an association it could not be done for a very much larger sum.

1419. You think that political societies are comparatively of little use, and you would contemplate that each party would employ at least one agent to look after their interests in the matter of registration?—I find that that is not the case; for instance, in some counties there is no hope for one party, and no necessity for the other, to employ agents, and, therefore, they rest. Subsequently, from various causes, some of a private nature, and some of a public nature, a contest may be expected, and then attention is paid to the registration, and, of course, it is the weaker party that always begins to attend to the registration in the particular county, and then the other party, of course, takes similar steps.

1420. Would you give anyone the power of summoning witnesses to support an objection, or to defend a vote, which was objected to?—I think not. With regard to establishing the right to be upon the register, I desire the person to come himself or some authorised agent. I do not see any necessity whatever for summoning a person for that purpose.

1421. That is to substantiate a claim?—Exactly so.

1422. But if, after a voter has been placed on the register, he is objected to, should there be any power on his part to summon witnesses, if necessary, to defend his vote?—I think not. It is a very easy thing to prove a 50*l.* occupancy or a 40*s.* freehold. Allusion has been made to a man bringing his deeds; nobody but a lawyer ever brings a deed into a Revision Court.

1423. It is always in the voter's power to prove his right to vote by the production of deeds, or of a receipt, or something of that kind, without the attendance of a witness?—Yes, and without the deeds. A deed is not brought into court in one case in a thousand, and if it is brought, it is very seldom looked at. I think that it is never looked at for the purpose of showing that the man has a right to be upon the register. You see a deed in the hands of a mortgagee, who is of the same view in politics as the elector; the two walk in together, and the deed is put in; it does not prove anything; it does not prove that the man has a 40*s.* freehold; but the single question, on oath, "Have you a clear 40*s.*?" is all that is necessary, and it does it effectually.

1424. You have spoken of the inconveniences

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of duplicate entries on the register; would it, in your opinion, be an advantage if each parish list contained, in addition to the names of the voters who qualify for property in that parish, the names of the voters who reside in that parish, and qualify for property in other parishes; and if it were provided, that thereupon they shall vote according to their residence, and not according to the situation of their qualifying property?—It would be a great advantage, indeed. Last year, I made claims for more than one hundred persons, to vote at a polling-place more convenient to their place of residence than the polling-place of the district in which their property was situate.

1425. It has been suggested to us by previous witnesses, that instead of leaving it, as is now the case, to the voter, to make a claim to poll in some other district than that in which his qualifying property is situate, he should as a matter of course be also registered in the parish in which he resides, and that that should be his polling-place, unless he claimed to have it altered?—There are some cases in which that would operate prejudicially to the voter, and in which, as long as the expense of bringing up voters are paid by the candidates, it would operate to the injury of the candidate, because it is sometimes much easier to go 20 miles by railway than five miles by other means.

1426. Would it not, in the vast majority of instances, be a saving of expense to the candidate if every elector polled naturally in the district where he resided, instead of having to be conveyed possibly to some other district?—There are cases in which it would not, but in the majority of cases it would.

1427. Is it not the presumption that the most convenient place for a man to poll is the place where he resides?—Yes, no doubt.

1428. You have stated that you would prefer the county court judges to the Revising Barristers; the county court judge is a barrister of how many years' standing?—He must be of seven years' standing.

1429. Of how many years' standing must a Revising Barrister be?—Of three years' standing. It is not so much on account of the judge, but of the whole machinery, that I recommend the county courts, because as I have before observed, I do not think that there is one case in a hundred, or anything like it, which need ever come to the judge at all.

1430. But you recommend the county court judges, because the machinery of the county court is on the spot, and would be available all the year round for the purpose of registering new claims, in the manner which you have stated?—Yes.

1431. Mr. *Collins.*] A former witness has recommended that the system of affidavits should be adopted either before a magistrate or a commissioner appointed to take affidavits—for instance, an affidavit stating that A. B. had occupied a house of the value of 100 *l.* a-year for two years, and continued to occupy it, and that such an affidavit should be given in evidence, do you see any objection to that course?—Not the slightest, except that you would want an officer before whom the affidavit would be sworn, and you would want to verify the hand writing.

1432. Supposing that you could prove the handwriting of the commissioner before whom the affidavit was taken, and could prove the handwriting of the person who had signed it, do you see any objection to an affidavit of that description being received as evidence?—Not the slightest. I think that it would facilitate the putting of persons on the register, and that, therefore, it is desirable.

1433. In rural districts is not the polling-place very often 10 miles from the residence of the voter?—It is so in some counties, but not in many.

1434. But it is often 6 miles?—Yes.

1435. Supposing that a person had occupied premises of the value of 100 *l.* a-year for two years, there would be practically no doubt of such a person, if he was present, substantiating his vote?—Not the slightest.

1436. Therefore if he had the means of going before a neighbouring magistrate, and making an affidavit of that fact, it would save him the trouble and the loss of his day, and his journey in coming to the court to prove his vote?—Yes.

1437. And you think that that would be an improvement in the present machinery?—Yes, I think it would.

1438. Do you not prove the signatures to wills by affidavit?—Yes.

1439. That is the usual form?—Yes.

1440. The proof of the signature to a will involves questions quite as important as putting a voter upon the county register?—Yes.

Henry Wyndham West, Esq., called in; and Examined.

1441. *Chairman.*] You, I believe, acted as Revising Barrister in South Lancashire?—I have acted in South Lancashire for some years, and also in the East Riding of Yorkshire, and in some of the boroughs in the West Riding, and in the city of York.

1442. How many years have you revised?—I have revised, altogether, for nine years; I am no longer a Revising Barrister.

1443. When did you revise last?—In the year 1861.

1444. From your experience acquired in the revision courts, do you consider that great evils arise from the unlimited power which is now possessed by any elector of objecting to any other elector or claimant?—I think that it is a power, which, in my experience, is certainly very much abused, particularly in South Lancashire.

1445. I believe that in South Lancashire that power was very largely exercised a few years ago?—It was.

1446. Are you at all aware of the extent in proportion to the number of the constituency?—I have not looked at any returns, but my impression is that there were something like 17,000 objections in South Lancashire, after the general election.

1447. Was that after the election of 1859?—After the election of 1859.

1448. And the number of the constituency is?—I think about 22,000.

1449. At all events, nearly two-thirds of the constituency

constituency were, to the best of your belief, objected to?—Yes; I think more. I have known, in a particular district, I think, a greater number of objections than there were original voters on the list; that is possible, owing to some objections being to the new claimants.

1450. In your experience in Yorkshire, have you found that the power of objection has been very much abused?—I have not. In the East Riding of Yorkshire, which is the only county that I have revised, there were no party contests during the time when I was revising.

1451. So that there was, to a great extent, a political lull?—Yes.

1452. Does your experience suggest to you any remedy which might be adopted to check this unlimited abuse of objecting?—There are measures which might, I think, be taken with regard to the administration of the actual registration courts which, I think, would very much modify the evil. With submission to the opinions of others, I think that there ought to be a much larger power in the Revising Barrister of granting costs. Persons are brought from great distances to defend their votes, and undoubted votes; they being people of large property, and there being no real question about the matter, the agents trusting to the accident of people not coming. I should also suggest that costs should necessarily follow upon the decision against a party.

1453. Instead of being in the discretion of the Barrister?—Yes. It is, perhaps, rather the tendency of Revising Barristers to wish that the court should be conducted with facility and ease, and, therefore, they do not insist upon costs being paid unless they are urged to do so.

1454. Of course if the Revising Barrister does not give costs, he gets through his work much quicker?—Yes.

1455. The moment he gives costs he raises questions which will be fought hardly on both sides?—Just so; he irritates the agents on both sides by granting costs. It was a constant habit for agents to attempt to make an arrangement, that costs should not be asked for. Of course it is in the Barrister's power to defeat that arrangement, as I myself have on many occasions succeeded in doing, by asking the parties themselves whether they were willing to abstain from applying for costs.

1456. Am I to understand you to suggest that you would have costs follow, as a matter of course, in every case where an objection failed?—I think so. It is the case with all suits brought against a man for any property which he possesses. A man brings an action of ejectment, or upon a contract; whatever good ground he may have, if he fails he has to pay the costs of having attacked the property of another man.

1457. Would you confine it to objections made to registered voters, or would you also extend it to objections made to new claimants?—The question, of course, is a very different one, but I think that I should extend it to both. I think that if the objection is not sustained against a new claimant, he has a right to be registered if he has come into the possession of a property by inheritance or purchase.

1458. The claimant who is not objected to gets put upon the register by his mere *ipse dixit*?—Yes.

1459. Still, you think that anyone objecting to him should object to him at the peril of incurring costs?—I think so.

1460. You would not apprehend that the effect of that would be greatly to facilitate the advancing of unfounded claims?—As far as my experience goes, I do not recollect the fact that claims were frivolously made. That is not perhaps a complete answer, because the change of the law might, as you suggest, increase the temptation to make unfounded claims, but I never have found it so.

1461. Have you, as a Revising Barrister, the means of judging whether the claims which are made are unfounded or not?—I think so, where they are severely contested, as, for instance, in South Lancashire; there every vote was, I should think, tested after the contest.

1462. And there your experience was that the claims were not unfounded?—That was my experience.

1463. Probably the knowledge that everybody was being objected to would check unfounded claims?—No doubt.

1464. But in the East Riding, where there was a political lull, you probably would have no means of judging whether many of the claims were well or ill-founded?—No; I should have no means of judging.

1465. If a claim is unopposed, you know nothing at all of its merits?—Just so. I think that there is an amount of feeling upon the subject which would prevent very flagrant and frivolous claims being made.

1466. As regards costs: would you propose that the costs should be higher than they are now?—I should propose so; and, also, I think I should propose that there should be a minimum.

1467. What minimum would you suggest?—I am speaking in the presence of a Revising Barrister, who knows better than I do; but I rather think that the minimum charge upon an overseer in the Act was 20*s.*

1468. Mr. *Wynn.*] Five pounds?—I should have thought that 20*s.* would have been a fair minimum.

1469. *Chairman.*] That is now the maximum?—Yes.

1470. Would you fix a maximum; or would you give costs on the principle that a man who had been brought to the court should be reimbursed his expenses out of pocket, and for the loss of his time?—I think that, as a matter of strict justice, he ought sometimes to be paid more than 5*l.*; but if there were no limit, it would prevent persons from objecting altogether. If you said unlimited costs, it might encourage people to make very exorbitant claims for costs; but I should think that 5*l.* would be a fair limit to take.

1471. You would fix some such limit as 5*l.*, which the costs should in no case exceed?—Yes. Men can now get from most parts of the country to the district where they have votes, and back again, for 5*l.*

1472. Many of the objections which are made resolve themselves into objections for correcting some error on the register which does not affect a man's qualification?—Great numbers.

1473. Has it ever occurred to you that simpler machinery might be provided, for the correction of such errors as those, than the same process of objecting which is carried out in regard to a man's qualification?—I have not given sufficient consideration to that question to give an answer. I should have thought that some system might be arranged, by which the nature of the objec-

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tion might be set out by the objector; but I think that there would be a difficulty with regard to what evidence of the correction the Revising Barrister would have to be satisfied with.

1474. Do you think that it would be an advantage if the objector was in every case called upon to specify, in his notice of objection, the ground of objection which he took?—I think so.

1475. You think that an objector should be bound to do that?—I think so. I perhaps may illustrate the point as to change of residence by mentioning my own case, not as a Revising Barrister, but in my own person. I have a vote for Middlesex. I live in the Temple. I changed my chambers from one side of a court in the Temple to the other. The persons who supposed themselves to be opposed to me in politics immediately objected to me, and I had to support my vote, although I had only changed from Farrar's-buildings to Tanfield-court, which is only a few doors off; and that constantly happens to persons. At present there is no power, as I have always interpreted the Act, to grant costs at all, unless the objection is frivolous and vexatious; and it having been decided that the residence is necessarily set out, it cannot be held to be frivolous and vexatious, as I have always thought, to make an objection which the law allows to be a good one. Therefore, although a man might be as well known as any man in England, yet, if he changed his residence in any way, you could not give him costs when an objection was taken.

1476. That difficulty would not be met by the suggestion which you have just made, namely, that the objector should specify his ground of objection; would it?—No; but I think it would be met by the other provision, that costs should follow whenever a person supported his vote, because, under the present Act of Parliament, the Revising Barrister is able to amend the residence of the voter.

1477. Then if a voter were objected to, you would consider that he was the winner in the case, and therefore entitled to costs, unless his name were expunged?—Yes.

1478. In a case like your own, if a voter were objected to on the ground of his change of residence, although the objection might be right that he had changed his residence, you would give the voter costs on the ground that the name was not expunged?—I should have wished to have been able to do so.

1479. Would not the result of that be that no objections would be taken except those which went to the qualification?—That would be the result.

1480. Then some other machinery would have to be provided for the correction of the register in respect of addresses and errors of description, and all errors which do not actually affect the qualification?—Yes; under one of the Acts of Parliament now in force the Revising Barrister is able to alter the polling district in which a man may wish to vote. It might be suggested that the same system might be adopted with regard to any alteration in his address; and in fact, practically, it always was done in revising. Thousands of alterations were made in the register by Revising Barristers, myself and others, strictly speaking, upon no evidence at all. The overseer informed the Revising Barrister; he said, "I am quite sure that Mr. So-and-so, with whom I am acquainted, has changed his residence, dence, and he would wish to have his residence altered," and the Revising Barrister did it; and it was done constantly with regard to an immense number of amendments. I have not looked into the Statute lately, and I am not quite sure whether, strictly speaking, the Revising Barrister has such a power; but I believe that every Revising Barrister did administer the law in that equitable manner.

1481. Then you think that the correction of the register might be safely left to the elector interested, or to somebody on his behalf, who should make a statement before the Revising Barrister, and that thereupon the Revising Barrister should correct it?—I am inclined to think so; if the Revising Barrister received a letter, addressed to the party-agent or the overseer, and if he had no reason to suppose that there was any fraud, or that it was not signed by the person by whom it purported to be signed, I should see no objection to the Revising Barrister having power to make that correction.

1482. As it is now, the Act states that, "If any person whose name is included in any such list, or his place of abode, or the nature and description of his qualification, shall, in the judgment of the Revising Barrister, be insufficiently described for the purpose of being identified, such barrister shall expunge the name of every such person from such list, unless the matter or matters so omitted or insufficiently described be supplied to the satisfaction of such barrister before he shall have completed the revision of such list, in which case he shall then and there insert the same in such list." Is that the proviso to which you were just now alluding?—No; there is another proviso with regard to altering the districts in which a person may poll.

1483. When you were speaking of the evidence given in court on which the Revising Barrister would make corrections, were you speaking of the proviso which I have just quoted?—No. What I was stating with regard to the sort of equitable jurisdiction assumed by him is that the Revising Barrister acted strictly upon that which was no evidence at all. I do not know what the terms of the section which you have quoted are.

1484. The phrase in the section is that "such barrister shall expunge the name of every such person from such list, unless the matter or matters so omitted or insufficiently described be supplied to the satisfaction of such barrister before he shall have completed the revision of such list." That leaves a great latitude to the barrister, does it not, to interpret when matter is supplied to his satisfaction?—It does; and no doubt that is the proviso upon which the practice has followed of making the alterations to which I have just alluded.

1485. And in practice, on the strength of that clause, corrections are made at the suggestion of any overseer, or anyone who attends in court and appears to know anything about the voter?—To an immense extent. As you may easily imagine, the changes in a register from year to year are very great; and a careful overseer, or (what is much better) an assistant-overseer, in populous districts, gives you every information upon the best possible acquaintance which he has with the subject, and you are able to correct the lists to a very great extent, and to go upon his information. That subject was a constant source of contention; an objection was made, and the voter

voter was proved to have been perfectly qualified. Then, upon the examination of the voter, it turned out that there was some slight inaccuracy in the description of his residence, or in the spelling of his name; and then it was contended by the person who had objected to him altogether that he ought not to have costs, because he had not spelt his name properly, or his christian name properly, or described his residence properly.

1486. Have you ever felt the want of a power in the Revising Barrister, or anyone else, to summon witnesses to substantiate votes objected to, or to support objections?—I can only recollect one instance, which occurred to me at Rochdale, where I did feel a considerable difficulty. That was afterwards obviated by my succeeding in getting the evidence which I required. It arose from an objector-general in that district, finding that all his objections were bad, staying away. He left the room after, I think, the first objection was found to be bad, and then all the persons who had come who had been objected to quite frivolously had no one against whom they could recover the costs, and I had some difficulty in proving the objector's handwriting; but I succeeded ultimately in proving it, and made him pay the costs in all those cases. There was, however, considerable difficulty, no doubt.

1487. In that case the objector in whose name the objection was signed had signed it himself?—I was satisfied that he had signed it himself.

1488. If it had turned out that it had been signed in his name by some one else, you could not have given costs against him?—I would rather not answer that question off-hand. That is a disputed question altogether as to the authority of a person signing objections.

1489. That is a point in doubt?—I do not know that it has been decided. It has been raised lately, but whether it has been decided or not I do not know. I have not for the last two years turned my attention to the question.

1490. You have no power of giving costs against a man who advances a claim for which he has no foundation whatever; if he does not appear, you have no such power?—Such a case never occurred to me; but you would have a power to make out an order, and it might be executed by distress.

1491. Although he made no attempt to support the claim?—Such a case never occurred to me, but I think that under the Act of Parliament it would be so. In all the years that I revised I never recollect having to impose any fine for a frivolous claim.

1492. Mr. *Hunt.*] Do you think that there would be any hardship in a person being called upon to prove his qualification the first time that he made his claim for that qualification?—As far as it went, I think that it would be a hardship; I do not know that it would be a very great one.

1493. Supposing that you did not require a new claimant to prove his claim, unless you allowed great latitude to objectors, would you not have a very inaccurate register?—I think that the overseer would in all probability object.

1494. Do you think that an overseer would object to a person of the same political views as himself?—As far as my experience goes the overseers acted with very great fairness. I think that I never but once had any reason to complain of the conduct of the overseers.

1495. That is, as to any act which they have done; but do you think that they would feel called upon to take the initiative in objecting to a man who had not a right to be upon the register if he was of the same politics as themselves?—One, no doubt, can conceive of cases in which a person possessing considerable landed property and considerable influence choosing to violate the law, and to make a number of votes which were not *bonâ fide*, might have such an influence over an overseer as to prevent his taking any steps against such a manufacture of votes; but I do not think that, practically, there is any great danger of such a course being adopted.

1496. Is it your experience that where there is an active registration organisation, and which has been existing for some little time, the register is kept pretty clear from bad votes?—I think so. Your question, I suppose, only applies to counties?

1497. Yes. We are only dealing with county registration; we are not empowered to inquire into anything else. Without such an organisation do you see any means of clearing the register of bad votes?—I have not given the subject sufficient consideration to give an answer to that question.

1498. Do you know whether the practice is uniform with Revising Barristers as to costs on one particular point, namely, the question of change of residence?—I do not think that the law would empower a Revising Barrister to give costs where the objection was taken on account of a change of residence.

1499. Have any barristers within your knowledge ever construed it a frivolous objection where there has been a change of residence?—Not within my knowledge; indeed, I have known one Revising Barrister express a most anxious wish that he had that power, in consequence of what he thought a flagrant act of injustice to an individual, with regard to his change of residence.

1500. Do you think that voters ought to get their costs when objected to on that ground; would you like such an alteration of the law as would enable a voter to get his costs when objected to solely on the ground of change of residence?—I should say, certainly. For instance (I have mentioned my own case), I think that it is a great hardship that a man living in a particular square in the Temple, because he changes his chambers across the way, should be obliged to incur the expense of going down into the country, perhaps at great personal inconvenience, to prove his vote.

1501. Supposing that the law were to be altered, and that an objection to a change of residence were always to be followed by costs: supposing that that were the only objection to the register, do not you think that persons would leave off objecting to the statement of a voter's qualification simply on the ground of his change of residence?—I think so.

1502. There would be no motive with them any longer to make such an objection?—None; or, rather, there would be only one motive (the motive which they have at present), to run the risk of the person not coming.

1503. I understand that the sole object of these registration associations is to get off the register persons of a different political persuasion from themselves?—Yes.

1504. That is the object of each side?—Yes.

1505. And

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1505. And the result is that when an active organisation is going on upon both sides the register is kept in a pretty accurate state?—Accurate in one sense; namely, that it is low enough.

1506. All bad voters are struck off as far as the parties are able to do it?—Yes; but an immense number of good voters are also struck off, from the fact of their not coming, or not taking the trouble to substantiate their votes.

1507. Supposing that you allowed all voters objected to on the ground of the statement of their place of abode to have that statement corrected, and that you gave them costs as against the objector, objections on that ground would probably cease altogether?—I think so.

1508. Would not the result of that be that you would have a very inaccurate register; that the places of abode of the voters would be inaccurately stated?—It would have that tendency, no doubt. I do not know whether accuracy in the statement of the abode of the voter is of any very great importance.

1509. Unless you specifically stated the place of abode of a voter, would you be able to prevent fictitious names being put on the register, the names of persons who had no existence at all? Take the county of Middlesex: supposing John Smith, or any other common name, to be put down, and his place of abode to be incorrectly given, how would you be able to challenge the existence of such a person as John Smith?—I should think that the existence of the qualification was always more inquired into than the residence of the person qualified. I suppose that if the claimant said that he owned a farm, and that the tenant was So-and-so, the local agent would go and inquire of the tenant, and not at the residence of the man.

1510. Supposing that John Smith was put down as the owner of a rentcharge on Blackacre, and the owner of the property was Mary Thompson, the tenant of the farm would have no knowledge of the rentcharge?—Rentcharges are, no doubt, the qualifications which are most liable to abuse; but in the counties of Yorkshire and Middlesex, which are register counties, they could refer to the register, and the rentcharge would not be made out if not registered.

1511. In any county not a register county, it would be perfectly easy to put down a fictitious claim to a vote as a rentcharge upon Blackacre?—I do not think that the residence would make much difference; because, if the vote was a fictitious vote, it would not much signify what was the residence given.

1512. If a man's right residence was given, you could find out whether John Smith was residing at that residence, and you could give him notice to appear at the registration court, and you could object to him, addressing the objection to him to the name of John Smith, at the place of abode given; and then he would be liable to have his vote struck off, if he did not come forward and substantiate it?—It would be the same whether it was his proper address or not, because the notice of objection is only to be given to the address appearing upon the register; and therefore you would strike off the vote, if it was worth your while to object to him, if he was a fictitious being altogether, just as much whether the statement of the residence was right or wrong.

1513. In your view, I understand that the place of abode is immaterial?—I do not go so far as to say that it is immaterial, but I do not think that it is very important. It is of advantage for purposes of convenience with regard to elections; but then I suppose that, when a contest takes place, the people canvassing, and the agents, will take care to find out any persons, wherever they reside. I do not believe that rentcharges constitute, at present, any very large proportion of the qualifications of voters in counties where I have had any experience.

1514. To go to another subject: do you consider that you have any power of enforcing order in your courts? Supposing that any person, appearing either as an advocate or as a witness, refuses to obey your orders in court, have you any power of enforcing obedience?—I believe none. I believe that the rule of law is, that you can only commit for contempt of court in Courts of Record; and, of course, a Revising Barrister's Court is not a Court of Record.

1515. You consider that there is no such power?—I do.

1516. Do you find any practical inconvenience resulting from that?—None whatever. I remember a very large assemblage once, at the borough of Knaresborough, where I was revising, and there was some popular applause called forth by some decision; and upon my stating that if it was repeated the court would be cleared, the crowds who were assembled became perfectly quiet and orderly, although I did not know that I had any power of clearing the court.

1517. Do you know that Revising Barristers complain that they have no such power?—Not those of my acquaintance.

1518. With regard to the appointment of Revising Barristers, do you think that the appointments could be placed in better hands than they are in at present?—No, I think not.

1519. Do you think that the best men, who would be willing to undertake the work, are appointed under the present system?—I do not, by any means.

1520. If the best men are not appointed, can you suggest any improvement upon the present system whereby we should get the best men?—As far as I know, the men are sufficiently good for the purpose; there are not, generally, very complicated or difficult questions of law to be decided by them.

1521. You think that it is a sort of work which does not require any great ability?—I do not think that it requires any great knowledge of law, or any great experience.

1522. You think that the ordinary run of barristers who go circuit are quite up to the work?—Yes.

1523. Do you know whether any complaints are made of the want of uniformity of decisions in Revising Barristers' Courts?—I do not know whether any real and serious complaints are made. I have myself constantly had complaints made of my own decisions, especially in South Lancashire. I succeeded the present Judge of the Divorce Court there.

1524. Sir James Wilde?—Yes. And I was repeatedly told that my decisions were in direct opposition to the decisions which he had given; but I never supposed that there was any real ground for those statements. No doubt, from the want of any record, it was perfectly in the power of agents very frequently to say that the former

former Revising Barristers had given a decision different from that which you had just given; but I do not know at all that that was a well-grounded complaint. The right of appeal is a great safeguard against such an evil.

1525. We have had complaints made in this room from previous witnesses, registration agents, that there is a great want of uniformity as to the practice and procedure in court, and as to the decisions of barristers; you have not heard of that?—I have not, except as I have just mentioned, that upon a particular decision they have very often said, "All I can say is, that Mr. Wilde took a different view."

1526. In your experience, have you found that the overseers are competent to discharge the duties which are thrown upon them, with regard to making out the lists?—Not in the agricultural districts.

1527. Is it not only that the lists are made out in an informal way, but that persons are omitted through the blunders of the overseers, or that persons are wrongly put on?—Yes; I think that every form of error creeps in at times, from the ignorance of overseers.

1528. Is that a great practical evil of daily occurrence in the courts?—It is of daily occurrence. I do not know that it is a great practical evil, because the Barrister, exercising a sound discretion, sets those mistakes pretty well right himself.

1529. You do not think that the blunders are so bad but that they can be set right at the time by the Barrister?—They can generally be set right by him. I am now speaking of the East Riding of Yorkshire, because South Lancashire being for the most part much more populous than the East Riding of Yorkshire, they have many assistant overseers who are very intelligent. That does not apply to all South Lancashire; generally speaking, there is no difficulty in South Lancashire, but there is considerable difficulty in the East Riding of Yorkshire. The overseers very frequently in the agricultural districts do not themselves make out the lists. They cannot write, and the schoolmaster makes out the lists for them, and then you have a very considerable difficulty in correcting them, because the overseer who attends has not made out the list; but I should not think that the result was very bad.

1530. Do you find that the claims are inserted in the list in such an informal way that the Barrister cannot recognise them as claims?—Very rarely; but I have known such instances.

1531. You think that, practically, all persons sending in their claims to the overseers have their claims put in such a specific way before the Revising Barrister that he has no difficulty in dealing with them?—I should say so generally, certainly.

1532. And the same with regard to objections?—Yes.

1533. Do you find any complaint made of overseers not being obliged to send notice of objections to persons to whom they object themselves?—I do not recollect any such complaint having been made to me.

1534. When an overseer writes "objected" against a voter, do you require him to give any proof of the soundness of his objection in your court; are any questions put to him?—I do not consider that it is the duty of a Revising Barrister to do so, but I have constantly done so in cases where the overseer was not a man of any great intelligence, because I have thought that there might be an error about it; and I have constantly done so in out-townships and small places.

1535. If you think that the overseer has made a mistake, you inquire into it?—Yes, in the country districts.

1536. When he puts "dead" against a man, do you expect him to give some grounds for supposing the man to be dead, if he has been residing out of the parish?—I have often asked the overseer whether he is certain, and what ground he has for supposing the man to be dead. Again, I do not think that one is bound to do that.

1537. But do you think that that is generally done by the Barristers?—I should think so. Of course their object is to keep the register as correct as they can.

1538. Supposing that when you put the question to an overseer as to the ground of his objection, you found that it was an insufficient objection, I presume that you would allow the vote to stand?—Yes.

1539. *Chairman.*] Although the person objected to did not appear to defend it?—Yes; such was my practice. I do not say that I was bound to do it.

1540. Mr. *Selater-Booth.*] I rather gather that your opinion is that all objections to a voter should be *bonâ fide* objections to his real qualification?—Yes.

1541. But you must acknowledge the great importance of having the addresses and descriptions on the register correct?—Yes; but it is not of main importance. The qualification is the most important thing.

1542. But still for election purposes there should be the right names and addresses?—Yes; in order to be perfect.

1543. The question is, how those clerical or formal corrections should be made if not by objections. Practically, in your experience, do you find that a great portion of your time is taken up by correcting the formal objection as contradistinguished from the substantial objection?—A great proportion; I could not say what proportion.

1544. It has been suggested by other witnesses that the Clerk of the Peace should make all these formal corrections before the register comes to the Revising Barrister. If that were done, would a very material alteration in the amount of labour occur in the Revising Barrister's duties?—I think that it would; but I think that the amount of labour put upon a Revising Barrister is the last thing of which he ought to complain.

1545. Would it be so great a change that an objection might be raised that the Revising Barrister was being relieved at the expense of the county?—That objection, as far as it went, would no doubt be a good one.

1546. If objections were confined to substantial grounds, I do not quite see what machinery you would propose for the correction of the register. Do you think that the natural action of the Revising Barristers and the overseers would be sufficient to keep the register perfect; because, of course, political agents would have no motive for making objections on formal grounds, if the costs were invariably to be against them?—I think that, for all practical purposes, the register would remain sufficiently complete; people do not

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not very much change their qualifications in counties.

1547. Taking the Chandos clause voters, for instance: do not they change?—Yes, considerably: but I think that every overseer must be so fully aware of who occupies a 50*l.* farm in his township, that he would take care to keep the register correct in that respect; and, practically, that is generally so. The overseer always objects to a tenant who has gone out of his 50*l.* occupation.

1548. Then you would allow the overseer to continue the practice, which now prevails, of writing "Objected," on the ground of a formal objection, although you would not allow an elector, or a party outside, to come in and make that objection?—I think that I should apply the same rule to both, with one exception. Of course you could not make the costs necessarily to follow upon an overseer's objection.

1549. Taking your own case, it was clearly for the interest of all parties that the change of your address should appear upon the register?—Yes.

1550. How would that have been done if you had prevented, as you seem inclined to prevent, an objection being made by a political agent?—No doubt that mischief would ensue. I have stated that I do not think it a very important mischief, but it would ensue, that you would not get the addresses so accurate as they are now.

1551. Is it not important in this respect, that when an election comes on, the letter is delivered to the wrong address?—I think that the agents would generally look into that. For instance, in my own case, it would not have signified to which address the letter was directed; it would have come to me just as well on one side of the square as on the other.

1552. You have spoken of the reliable information which you get from overseers and assistant overseers: do you think that they could be trusted to make out the lists more fully than they are made out at present; putting in new claims, for instance, and comparing the lists, and omitting names which were on wrongly, and so on, so that there should be less to do when the Revising Barrister came round?—I hardly think so. I daresay the Committee are aware that in the first Reform Bill, as I believe, it was proposed that the overseers should form the list in counties as well as in boroughs; and I have heard an anecdote told of the reason why that was not carried out, namely, that an overseer, I think of Manchester, wrote to Lord Althorp, and said: "You have proposed that we should make out a list of voters, but although we know a great deal we cannot tell by the look of a house whether it is freehold or copyhold." That difficulty was at once seen by the framer of the Reform Bill, and was obviated by the present system.

1553. You do not see your way to making any improvement in that respect; that is to say, to make the overseer responsible for the list in counties in the same way as he is in boroughs?—My reason for not seeing it may be that I have not given sufficient consideration to the subject; but I do not at present see any way of doing it.

1554. Mr. *Collins.*] Do you think that there would be any difficulty in the overseers making out a list of 50*l.* Chandos occupiers?—Not the least; they must be in the rate-book.

1555. And under the present scale of rating you think that in nine cases out of ten if a property was entered at 50*l.* it would be a *primâ facie* proof that the man's rent was 50*l.*?—I think so; after the Union Assessment Act has come into operation the rate-books will be more accurate.

1556. You think that then that would be sufficient evidence for a person to act upon to put an occupier upon the register, leaving it to the tenant to object if he thought he was wrongly put on?—I think so.

1557. Therefore there is no more difficulty in registering the 50*l.* Chandos clause occupiers in counties than there is in registering the 10*l.* occupiers in boroughs?—I should say not.

1558. I believe that in boroughs there are other ingredients besides rateing necessary to place a man on the register?—Yes.

1559. I daresay you are acquainted with many boroughs where the borough and the parish or township are not conterminous?—Certainly.

1560. In that case, therefore, the overseer has to find out whether the property is in that part of the parish which is within the borough?—He has to find that out from the decisions which were made by the Commissioners after the passing of the Reform Bill.

1561. From the Boundary Act?—Yes.

1562. But his rate-book does not necessarily give him the information whether a house is on one side of a bridge, and is within the borough or not?—No.

1563. Therefore he acts judicially in taking cognisance that a particular house is within the borough?—Yes.

1564. Therefore an overseer does exercise his judicial rights on a great many facts other than those which he finds in the rate-book?—Certainly.

1565. Residence for instance?—Yes.

1566. Have you not found it your experience that many men, whom you believed to have been duly qualified, have been objected to and expunged from the register, because they did not take the trouble to come to the Revising Barrister's Court?—To an immense extent.

1567. Therefore you do not believe that the lists, even with the attention of political agents, give at all a fair criterion of the number of persons who are disqualified because they do not take the trouble to come: you think that a great many persons do not come, not because they do not wish to have a vote, but because they do not wish to give up a day's time?—I have no doubt upon that point.

1568. Do you see any objection to the costs being fixed, say, at 10*s.* as a minimum, and to costs following in all cases, unless the Barrister shall otherwise determine; so that the burden of costs should be shifted from the Barrister now having to give them, and that he should have to refuse them?—I think that it would be a remedy to a great extent, but not quite so ample as that which I have suggested.

1569. Still, practically, to a great extent it would be a remedy?—Yes.

1570. And it would not be so stringent or drastic a measure as giving costs in all cases?—It would not.

1571. I suppose that you have found in your experience that in questions of freehold you have placed men on the register upon sending their deeds?—Yes.

1572. You have been satisfied from your knowledge

ledge of the party that the property was not likely to have been mortgaged?—Yes; the presumption is that if a man has his deeds he has not mortgaged his property.

1573. The last witness stated that deeds were no proof whatever of beneficial ownership; is that your opinion?—I may perhaps say that, from what I have learnt from other Revising Barristers, and from what I know of my own practice, they have generally administered their courts, not binding themselves very strictly to the rules of evidence, in order to give votes to persons who really have a good claim.

1574. Do you see any objection to persons being obliged to state, in their form of objection, that they object to a voter on the ground of column two or column three, mentioning the column?—I should think that it would be a very valuable suggestion that it should be so.

1575. Do you see any hardship in an objector not being allowed to object to column two, which contains the place of residence, if he objects to column three, which goes to the substance of the qualification; that if he disputes the goodness of the vote he shall not likewise take a formal objection?—I see no objection to his being prevented from objecting to the residence if he objects to the qualification.

1576. If you allowed a person to object to all the columns, would not practically a printed form, prepared by registration societies, objecting to all the four columns, be used upon the chance of hitting a man, and thus would not the evil be left just where it is?—No doubt.

1577. Therefore, unless you limited a person to one objection, the old evil would practically prevail of objecting upon every ground?—Yes.

1578. Do you see any objection to this course: that supposing the objector failed upon the ground of residence, but did not fail upon the other ground, then, in order to prevent unnecessary objections to different columns, costs should follow upon the column on which he failed, supposing you were to allow him to object to two columns? Supposing you were to allow him to object to columns two and three, and he was successful upon column three, do you see any hardship in his being compelled to pay upon column two?—I do not think that it would often arise that there would be any separate costs incurred. It is not like suits in courts of law, where you may be put to a very great expense in proving an unnecessary issue.

1579. *Chairman.*] I think that your view was that you would always make an objector pay costs unless he expunged the name?—I think so.

1580. Mr. *Collins.*] Do you see any objection to affidavits being made as to matters of fact (as you have in the Court of Chancery and in the Court of Probate) before a magistrate or a person commissioned to take affidavits; for instance, an affidavit that A. B. had occupied for the last two years under one landlord, and had paid a rental of 50 *l.*, that affidavit being received in evidence for what it was worth?—There would be a great multiplication of oaths, of course.

1581. Suppose that it did not take the form of an oath but of a statutable declaration before a commissioner, that A. B. lived at such and such a place, and occupied, under Mr. So-and-so, a farm of 100 *l.* a-year, and had done so for the last two years previously?—I have not considered that question; but at the present moment I do not see that there would be any objection to it.

1582. From your experience do you not know that vast numbers of duly qualified persons fail to be upon the register, owing to their not choosing to come eight or ten miles along bye-roads to the Revising Barrister's Court?—Certainly.

1583. Therefore, if it is desirable that every person, duly qualified, who has taken the trouble to claim, should be upon the register, every facility should be given for him to prove his vote?—I can have no doubt upon that point.

1584. We have had a great many witnesses here who have said that they think that every voter ought to be called upon in court to prove his vote the first time that he comes upon the register; do you agree in that?—Certainly not; it seems to me that the vote follows as a right attached to the possession of certain property, which the State has said shall entitle a man to have a vote, and that, therefore, it ought to follow with as great a facility as can be accomplished.

1585. Therefore you do not agree with three or four witnesses whom we have previously examined, who have stated that, in their opinion, no party ought to be a county elector unless he comes, the first time, into court and proves his vote?—I certainly do not agree with any such opinion.

1586. In the case of boroughs, do not nine-tenths of the persons who come upon the register, year after year, come upon it, not by any action of their own, but through the overseers?—I cannot pretend to say whether the proportion is nine-tenths or not, but it is a very large proportion, no doubt; I should think that you are not at all overstating it in saying that it is nine-tenths.

1587. Is it not the duty of the overseer to place upon the register, in the first instance, the names of all persons whom he believes to have occupied and paid their rates for property of the value of 10 *l.* in a borough?—Yes.

1588. And you find that the overseers in boroughs, on the whole, discharge their duties very fairly?—Very fairly.

1589. Therefore, supposing that 100 persons, in a given period, had occupied in that way, do you not suppose that the overseer would have put upon the list 90 out of those 100?—The whole hundred, I should think, in all probability. Out of both the large and the small boroughs, in only one case have I found any reason seriously to complain of overseers for improperly putting down or omitting to put down names on the lists.

1590. Therefore you think it a hardship, and contrary to the intention of the legislature, that every person, when he first claims to be a county voter, should have to come into court and prove his vote?—I think so, certainly.

1591. I daresay you have known cases where a parish has belonged to one proprietor, and yet his vote has been objected to; a man of 2,000 *l.* or 3,000 *l.* a year?—Yes, a man of large property.

1592. Where there has been no doubt whatever of his ownership, and of his being the man whom he professes to be, and of his living at a known place?—Yes. As I have before said, in South Lancashire I have known practically a whole township, which has been supposed to be under a particular political influence, objected to;

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I do not say actually the whole township, but practically the whole.

1593. Do you think that power could be given to the overseers to amend the second column at their own discretion when they printed the lists. Do you think that it is a power which they would abuse?—No, I think not at all. I have no objection to their doing that. It would operate differently in different places; it would operate, I have no doubt, quite well in populous districts, where there were well-educated assistant overseers: it would not operate so well where the overseers were ignorant men.

1594. You think that where the overseers were ignorant men they would be idle, and would not make any alterations at all?—Yes.

1595. But do you think that it would have any prejudicial operation in any district?—I should say not.

1596. You do not think that the overseer would put down a man as having gone if that was not the case?—No. As I have said before, I have never found the overseers, except in one instance, do anything that I really disapproved of.

1597. Do you see any objection to a person who is registered on the list writing to the Clerk of the Peace and saying, "When you send the list to the overseer next year, I wish you would amend my place of abode, and put it at Bradford, whereas it has hitherto been at Leeds"?—I see no objection to that at all. I think that perhaps it would be a better plan than sending it to the overseer, because the Clerk of the Peace's office is always known.

1598. Is it not a much easier thing for a person on the register to amend his place of abode by writing in that way to the Clerk of the Peace than to fill up the four columns of a new claim?—I think so, certainly.

1599. Has it not this advantage, that a new claim must be served upon the overseer?—Yes.

1600. And also that, except it is prepared by some political agent, an illiterate voter might very well know that he had changed his place of abode, and could state that fact, but yet would be incompetent to fill up and deliver in proper time the four columns necessary to send in a claim?—I think that that is so.

1601. Has it not likewise this advantage over a re-claim, that it prevents the list from being encumbered with two or three entries upon the register for the same property?—Yes; two entries.

1602. I daresay you have known many cases where, owing to the place of abode having been changed, and the voter having sent in a re-claim, and the second vote not having been objected to, the same name has appeared upon the register more than once for the same property?—Very often. When that was the case, one tried to prevent it by striking out the duplicate entry, but it would happen.

1603. Therefore you think that there would be no liability to abuse, either by the Clerk of the Peace at the instigation of the voter, or by the overseer in his having the power of amending the second column?—No objection of that sort presents itself to my mind at the present moment, but I have not given any consideration to the question before.

1604. Would it not be a very great improvement in the register, if the alterations in the first and second columns, that is, to the name and the place of abode, were made previously to the list being republished every year?—I think that no doubt it would be advantageous.

1605. And you think that, considering the honesty of the overseers, although the neighbouring persons would have no check on any fraudulent alteration, and that even if such an alteration was made it would not disfranchise the voter, there would be no risk of a man's name being struck off by an address being posted to a wrong place of abode?—I cannot conceive any practical danger from such a course being adopted. An overseer who did that would be a dishonest man, and would subject himself to very heavy penalties under the present law.

1606. Therefore you do not think that, practically, anyone would be disfranchised by an objection not reaching him, the overseer having fraudulently or ignorantly put the wrong place of abode, or misspelt the name?—I should think not.

1607. As to evidence, you do not see any objection to receiving, for what it is worth, in the Court of the Revising Barrister, as you do now in the Court of Probate or in the Court of Chancery, a statutory declaration made before a magistrate, or before a solicitor empowered to take declarations, that A. B. has either a 50*l.* farm, or a 50*l.* house, or is the owner of such and such a property, and that he has it subject to no mortgage; that he has 40*s.* clear, and that he does not hold it in right of his wife, but holds it for his own use and benefit?—I see no objection to such a declaration being made before a magistrate, or a person whose character is a sufficient guarantee for accepting such a declaration, and whose signature could be proved. There might be difficulties with Commissioners for taking Affidavits, because they are so numerous.

1608. Of course, in all cases, the handwriting would have to be proved?—Yes.

1609. In the case of proving a will involving some hundreds or thousands of pounds to persons, is not the identity of the testator proved before a Commissioner empowered to take affidavits?—I believe that it is so, but I do not know the practice.

1610. Proving the signature to a person's will is quite as important a thing as proving a county vote?—Yes. I really do not think that there is any danger of overseers frequently committing acts of fraud, or of their not being detected and punished if they did.

1611. Viscount *Ingestre*.] Do you think that it would facilitate business if all formal corrections of the register were made previously by some other agency, and if the attention of the Revising Barrister was confined to the question whether the qualification was *bonâ fide* or not?—It would facilitate the work of the Revising Barrister, but I do not know who would be better qualified to make those corrections than the Revising Barrister is; it is, in fact, the main work which he has to do.

1612. Mr. *Algernon Egerton*.] As a general rule, I suppose that all new claimants in South Lancashire were objected to in your time?—No; I think not.

1613. A vast number of them were?—A great number were.

1614. Then, in fact, it came very much to the claimants having to supply *primâ facie* evidence of their claim?—Except that they got their costs.

1615. Did

1615. Did you practically make any difference between the cases of objections to new claims, and objections to re-claims?—I did not; but I believe that there were some barristers who did.

1616. Mr. *Locke King.*] You see no objection, I think, to the overseers putting on the register from the rate-book the names of all the duly-qualified occupiers?—None whatever.

1617. I suppose you also see no objection to the overseers putting on the register the names of the owners who appear on the rate-book?—None whatever. The only difficulty that I am aware of with regard to the overseers making out the lists in the counties is, where they do not know what the nature of the tenure is, or who are the owners.

1618. Mr. *Wynn.*] You say that you believe that it is the practice of many Revising Barristers not to give costs in cases of objections to a new claimant?—I have heard so.

1619. Is not that a distinct departure from the Statute. Does not the Statute give the same costs as against an objector to a new claimant, as it does against an objector to a person already on the register?—I should say that there was no doubt about it if I had not been told that there were certain Revising Barristers who took that view.

1620. You do not read the Section as making any difference between the one and the other?—My attention was not called to it; but I never supposed that there was any distinction.

1621. I think you have said that you recollect a case where the first objection failed, and the objector abstained from proceeding with the remaining ones?—I recollect one instance, and there may have been others.

1622. Did you hold that there was a power to award costs, although the objection was not to be proceeded with?—Yes; I took considerable pains about it; I drew up the orders, and was told that if warrants of distress were issued they would be disputed, but I was never told that they were.

1623. No case was asked for upon the point?—It was not. Perhaps that might arise from the fact that there was nobody to ask for it, because every party repudiated any connexion with the objection.

1624. Against whom did you award costs?—The objector, the man who signed the objection.

1625. Although he was not in court?—Although he was not in court.

1626. You never experienced any necessity for any further power for keeping order in your court?—None.

1627. Have you ever had to threaten to adjourn?—Never. Of course I presume that every Judge has a right to clear his court. It might, of course, be a physical impossibility, but at the same time, if there was any noise you would have the right to have your court cleared by any officer or constable who might be present. I take that to be clear.

1628. Does not it suggest itself to your mind that the difficulty of overseer's putting on voters in the first instance, for counties as they do in boroughs, would very much arise from the difference of the franchise in counties?—No doubt; that arises from the difference of tenure, whether the property is freehold, or copyhold, or leasehold.

1629. There must be occupation in boroughs?—Yes.

1630. Therefore, the voter is brought immediately under the observation of the overseer?—Yes, and is entered in the rate-book.

1631. Would you give the Revising Barrister any larger power than he has at present of dealing with the third and fourth columns?—The Revising Barrister already has large powers in dealing with the fourth column.

1632. Only for the purpose of more clearly defining?—With regard to the third column, I certainly have found considerable difficulty, because, I think that the statute does not allow you to alter the nature of the qualification. It would be a very large power to put into the hands of the Revising Barrister, that he should have the power of altering the nature of the qualification; whether it would be a safe and convenient course or not I will not say.

1633. As a matter of your own practice, have you not dealt with the third column very largely at times?—Very largely.

1634. In more clearly defining?—Yes; in order to get the register right at all.

1635. And do you not believe that to be a universal practice among the Revising Barristers?—I hope it is; the register would remain very inaccurate if that course was not adopted.

1636. *Chairman.*] With regard to the 17,000 objections which you spoke of in Lancashire, what became of them?—I think that the great bulk of them were successful, in consequence of people not appearing; of course, a great many were objections to new claims.

1637. Do you mean that the majority of them were successful in keeping claimants from the register or in striking voters off?—In striking voters off. When I said that there were 17,000 objections, I believe that I ought to have said that a greater number of names were on the register than the 22,000. The constituency is 22,000. The number of objections was 17,000. A great many more names are on the register than the actual number of the constituency, and the others ought to go off. A great number, of course, were persons who had lost their property.

1638. Can you state at all, in round numbers, how many registered voters were struck off in consequence of those 17,000 objections?—I cannot.

1639. You have no idea?—I have no idea.

1640. Was it a very large number?—A very large number indeed.

1641. And a very great number of new claimants were prevented from coming on?—Yes; I have heard it mentioned that in South Lancashire a gentleman of very large property, who was to have either proposed or seconded one of the candidates, and who had property, I was told, in eight townships, had had his name struck off in every one, and was not a qualified voter when the general election took place. I do not know whether it is a fact.

1642. Were the great bulk of these objections unresisted by the persons objected to?—Yes.

1643. Have you reason to suppose that they were persons who were really not qualified, or who lost their votes through neglecting to attend?—I should think that a very large number lost their votes through neglecting to attend. Of course that was the case with very many of those who were not embarked in either of the political parties.

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1644. I think you said that this was after the election of 1859?—I think it was.

1645. Had the register been in a very neglected state before?—No; the register had been in a very neglected state up to a few years previous to that; but, previously to that year, I had had a laborious registration. I think that in 1855 or 1856 I first revised in South Lancashire, and then I had scarcely anything to do except formal work.

1646. The register was not looked after by political parties?—For two or three years, I finished my revision in four days; then the register was looked after previously to the election; it was looked after subsequently to that election; this great number of objections was then made. I can now answer the question more distinctly: previously to 1859 the register had been looked after.

1647. And the majority of these objections were successful in keeping names from the register, or striking names off?—Certainly; I have no doubt about it.

1648. What class of qualification do you find in your experience is the one most generally objected to?—I cannot answer that question. In South Lancashire the tenure is peculiar, as perhaps you are aware; they have tenure which is very much like the Scotch, the feuing system; they have leases for 999 years, and long leases of that sort.

1649. There are a great many leasehold qualifications?—Immense numbers; however, in South Lancashire, the objections were wholesale; nearly everybody was objected to.

1650. Then it seems that there was great activity in objecting, and not corresponding activity in defending the votes objected to?—I think that that is so.

1651. Mr. *Collins.*] It is a much cheaper thing to object than to defend?—No doubt that is so, but where costs are given for frivolous objections it is not always a cheap thing to object, as the parties discovered at that registration.

1652. *Chairman.*] Do you think that the law is satisfactory as it now stands with regard to appeals from the Revising Barrister's Court?—Quite satisfactory. I never found any complaint of a Revising Barrister not giving an appeal; but, of course, I cannot say much about that matter, because I do not know what may have been said with regard to the Revising Barristers. My own practice was always to give a case if anybody asked for one.

1653. You have never met with any amount of dissatisfaction with the law as it stands at present?—Not at all. I think that the law, as it has been administered, has worked very well.

1654. Mr. *Collins.*] I suppose that you give that answer with this limitation, that owing to the operation of the present law, a great many persons who are qualified, are struck off the register from non-attendance?—Yes. I mean to say that the machinery of the two Acts of Parliament, the Reform Act, and the Act of the 6th of Vict., has worked very well. I do not mean at all to answer any political questions as to whether the electors are brought on the register by proper people or not.

1655. But is the effect virtually to keep off the register many men who are qualified?—To a very great extent.

1656. Therefore, so far the Act does not work so successfully as it was intended to do?—I have no doubt of it. I think that the number of registered electors has diminished of late years in many counties, instead of increasing; political apathy increases the neglect of persons to defend their votes.

Veneris, 11° *die Martii*, 1864.

MEMBERS PRESENT:

Mr. Sclater-Booth.	Mr. Evans.
Mr. H. A. Bruce.	Mr. Hunt.
Mr. Collins.	Viscount Ingestre.
Mr. Dodson.	Mr. Locke King.
Mr. Algernon Egerton.	Mr. Walter.
Viscount Enfield.	Mr. Charles Wynn.

JOHN GEORGE DODSON, Esq., in the Chair.

THOMAS BIRCHALL, Esq., called in; and Examined.

T. Birchall, Esq.

1657. *Chairman.*] You are, I believe, the Clerk of the Peace for Lancashire?—I am one of the deputy Clerks of the Peace.

1658. How long have you held that office?—About 20 years.

1659. During the time that you have been in that office, you have had considerable experience in the preparation of the register, both for the northern and for the southern division of the county?—I have had the conduct of that business in our office for the last ten years.

1660. What, according to your experience, do you consider to be the principal evils of the present system of registration?—The principal evil, no doubt, is the raising of vexatious objections to parties. I perceive, from a letter which Mr. Egerton has addressed to me, that it has also been mentioned that one of the evils which others have discovered in the system is the facility with which fictitious votes are inscribed upon the register. I have no doubt that that evil likewise exists to a very considerable extent.

1661. What is the constituency of the Northern and of the Southern Division of Lancashire at the present moment?—The number of voters on the register previously to its revision last year, that is to say, the number of votes included in the lists returned by the overseers last year, was, for North Lancashire 12,266, and for South Lancashire 23,065.

1662. Are those the number of names on the register, or the number of voters?—Those are the number of names on the lists returned by the overseers.

1663. Therefore, amongst those there are a certain number of duplicates?—No doubt a great number of duplicates.

1664. Are a great number of objections made every year?—A great number, particularly in South Lancashire. In North Lancashire the number of objections made by parties (and when I say parties, I think it may be taken for granted that that term generally means the two great political parties into which the country is divided) was only 987.

1665. What year are you taking? — 1863, those on the present register; whilst in South Lancashire the number was 12,017.

1666. Mr. *Hunt.*] And the number was greater in 1862, was it not?—In North Lancashire, in 1862, the number was 855, and in South Lancashire 13,751. In addition to those there were the objections made by the overseers.

1667. *Chairman.*] You have said that the objections, the numbers of which you have given, were objections made by parties?—Yes.

1668. Do you mean by parties, individuals in contradistinction to overseers' objections?—Yes.

1669. Then we have to add to those numbers in each year the number of overseers' objections?—Yes; in 1862, for North Lancashire it was 777; for South Lancashire it was 2,495. In 1863, the overseers' objections in North Lancashire were 844, and in South Lancashire they were 1,815. I can also state the number of new claims. In 1862, in North Lancashire the new claims were 1,895, and in South Lancashire they were 9,613. In 1863, the new claims in North Lancashire were 2,050, and in South Lancashire they were 8,042.

1670. Can you tell us, taking the year 1862, how many of the objections made in the northern division resulted in the names being struck off the register?—No; I have no means of saying that. We have never enumerated them.

1671. You have no means of knowing what number of names were expunged?—No; a comparison of the number of names in the register which is upon the table with the number of names which I have given you for last year would give you some approximation.

1672. Can you tell us, in each year, how many new claimants were added to the register?—No; that we cannot tell. Of course, if I had had time to refer to the register, I could have ascertained it, but not without; we have never enumerated them.

1673. Cannot you tell us the difference between the numbers on the register in each year; cannot you tell us what was the number of names on the register in 1862, and what was the number of names on the register in 1863?—No, I am sorry to say that I cannot do that; it did not occur to me to prepare myself to state that.

1674. Could you furnish that information to the Committee?—Yes.

1675. The Committee would wish to know what was the number of names on the register for 1862 in each division, and what was the number of names on the register for each division in 1863. They would also wish to know how many new claims were added to the register in each

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each division in each of those years?—If you will allow me, I will make a memorandum of that. There is a slight decrease in the number, but I do not recollect the precise numbers. The decrease happens from the gradual striking out of duplicate and triplicate, and even quadruplicate votes.

1676. Does your experience suggest to you any remedy for the evil of unlimited objections of which you have spoken?—I have not given the subject very much consideration, though I have been long conscious of the great evil which exists. The only remedy that has occurred to me is the one which I mentioned in a letter which I wrote to Mr. Egerton; and on further consideration, and on consulting with my friends, I am still disposed to think that it would be productive of very great advantage if it were adopted, and that is the requiring objectors in their notices of objection to state the grounds of the objections.

1677. Would you require them to specify particularly the point to which they objected, or simply the columns in the register, against which their objection was directed?—I think that I should require them to state the actual ground of the objection, because if you went to the column of property qualification, and said, "I object on the ground of that column," it might mean that the objector objected to the possession of the qualification by the voter, and not to the mere description of it. I would have the ground stated so precisely, that it would be apparent whether it was technical, or whether it went to the substance; and if it were a mere technical objection, such as a change of residence, or a change of the tenant of the property, or any similar merely verbal objection which did not go to the actual *bona fides* of the qualification, I would allow the voter an opportunity of having it amended by sending an amended claim to the Clerk of the Peace, and at the same time sending a notice to the objector that he had done so.

1678. If the voter did not answer the notice of this technical objection which he had received, what consequence in your view would then follow?—The consequence would be, that he would have to suffer for his want of attention to his own interests, and he must either lose his vote or go before the Revising Barrister at his own expense. But the benefit which I anticipate from such a provision would be the entire stoppage of those speculative objections; it appears to me that that would be the operation of it. At present those objections are made upon speculation that the party objected to will not appear. I know numberless instances of it. I can mention one of a gentleman well known in Lancashire—I mean Mr. Townley Parker, who has been taken two years consecutively to Manchester, owing to some trifling verbal inaccuracy in the description of his qualification, but who, as every one must be aware, has *bonâ fide* qualification for a vote.

1679. If the voter neglected the notice which he received, the consequence would be that his vote would be struck off?—Yes, if he neglected it entirely; if he neglected to send his amended claim to the Clerk of the Peace, he would then have it in his power to attend before the Revising Barrister, if he thought proper; but he would do so, of course, without the possibility of any claim for costs.

1680. The object of an objector, I presume in objecting, is to strike off the name?—Yes.

1681. Would a political opponent take the trouble of objecting simply for the purpose of inducing an elector to correct his entry in the register?—I think not; and, therefore, as I said before, the effect of such a measure would be to put a stop to those speculative objections.

1682. The effect would be then that no objections would be taken on technical grounds?—That would be what I should anticipate.

1683. Then what inducement would there be to electors to take the trouble to correct their entries?—I am not aware that there would be any inducement.

1684. Would not the effect be that the entries on the register would be very much neglected, and become very incorrect?—I think it is very probable that they would.

1685. Can you suggest any remedy for that?—I have not given the subject sufficient consideration to suggest anything of that sort, except the making it incumbent upon the overseers, as at present, to raise objections, which they have the power of doing where they know that such an objection exists.

1686. You would make it the duty of the overseer, where he knew that an address was incorrect, or that a description was insufficient, or that there was any other technical error in the entry, to call the attention of the elector to it?—Yes, by objecting to it.

1687. And thereupon you propose that the elector should be at liberty to correct that technical error in the manner which you have suggested?—Yes; and the Revising Barrister might have the power of inflicting a penalty upon the overseer for a neglect of that duty.

1688. I presume that you would require the overseer not simply to write "objected" against the man's name in the list published on the church door, but to send him a specific notice of the error in his entry on account of which he objected to it?—Every one is supposed to attend to his own interests, otherwise the publication of a list is no advantage; it is exhibited in the usual public place on the church doors, and if people do not look after their own interests they must take the consequence.

1689. But an overseer's objection at present is not specified?—No; the ground is not stated at all.

1690. You would propose that the overseer should state his ground of objection as well as any elector?—Yes; I think that that would be an improvement.

1691. In the case of non-resident electors, the elector has no knowledge that the word "objected" has been put against his name on the church doors if his vote is objected to by the overseer only, has he?—No, not without a notice.

1692. Therefore it would be necessary, in order to carry out your plan, that the overseer, when he objected, should send a notice to the party objected to, specifying the ground of his objection, and requiring him to correct his entry?—Yes, either the overseer or some other official.

1693. It has been suggested to this Committee that it would be well to make it the duty of the overseers to collect all information respecting defects in the entries of electors, and to communicate it to the Clerk of the Peace; and that it should thereupon be the duty of the Clerk of the Peace, where he thought it necessary, to communicate with the elector, calling his attention to the error, and requiring him to correct it.

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Do you think that that is a plan which would work successfully?—I think so, certainly; but I also think that, in order to carry it out with effect, it would be necessary to extend the time which is allowed in a large constituency.

1694. You think that it would be necessary to commence the work of registration earlier in the year?—Yes. In fact, it appears to me that in order to carry out anything like the system which is proposed in the pamphlet of Mr. James, it would be necessary that the office should be open all the year round in a large constituency such as Lancashire.

1695. That is to say, that it should be the duty of the overseer all the year round to be collecting information, and to be furnishing it to the Clerk of the Peace as he obtained it?—Yes; but that, of course, a limited time should be fixed within which the Clerk of the Peace should communicate with the party.

1696. You would propose that the communications of the Clerk of the Peace to the party should be confined within a certain period of the year?—Yes; in order that the work might be brought to a focus in time for the revision by the Revising Barrister.

1697. Would it be possible for the Clerk of the Peace, in so large a constituency as South Lancashire, to conduct that work in the manner suggested?—Yes; I think so, with such an officer as is proposed, namely, an assistant registrar, and with a provision for clerks. No one man could send out all those thousands of objections; he would require two or three clerks.

1698. With regard to costs, would you give costs against every objector who failed to expunge a name from the register?—You mean on the ground of a *bonâ fide* objection?

1699. Yes?—That, I think, should be left to the judgment of the Revising Barrister.

1700. You would not make costs follow as a matter of course, on the failure of the objection?—I think not as a matter of course in all cases.

1701. What would be your objection to allowing costs to follow as a matter of course?—I think that it would operate as a very great cause of deterring objections, even where there was some *bonâ fide* reason to suspect that the qualification was not genuine. If the objector were certain that if he made an objection, and did not sustain it, he would have to pay costs, it would make him very chary of raising objections, even although there was good reason to suppose that there was a legitimate ground for doing so.

1702. Have you any suggestion to make with respect to objections to new claimants. Would you make any difference between objections to new claimants, and objections to registered voters?—Do you mean as to giving notice to them?

1703. Yes?—I do not see any necessity for it at the present moment.

1704. Or as to giving costs?—Or as to giving costs.

1705. You would leave it in every case to the discretion of the Revising Barrister?—In every case where the objection was a *bonâ fide* one to the qualification, I would leave it to the discretion of the Revising Barrister. I ought to state, as a necessary part of my proposition, that in all cases where an objection on technical or verbal grounds was given, and not withdrawn after the amendment which I propose, the costs should be inevitable against the objector, unless he withdrew his objection on receiving notice that the error had been amended. For instance, he gives notice to a registered voter, "I object to your vote, on the ground that John Smith is not now your tenant; William Jones is now your tenant." I would then allow the possessor of the qualification to remedy that error, by sending a claim to the Clerk of the Peace, calling upon him to remedy that error; and, at the same time, the voter should send to the objector a notice that he had done so. Then the objector must be required either to withdraw his objection, or, if it were retained, to be subjected inevitably to costs if he neglected or refused to withdraw it.

1706. Do you think that the present system which allows any man who makes a claim to be registered upon his bare claim unless he is objected to, as a good one?—It would certainly add very much to the security from fraud if such a statutory declaration as is alluded to by Mr. James were required; but, at the same time, there is so much publicity in parishes as to the ownership of property, and the political parties are so vigilant, that I think it is extremely difficult for any fraud to be perpetrated with impunity.

1707. Do you think that it would be a hardship to call upon any new claimant either to substantiate his vote, or to make a statutory declaration as to its *bona fides*?—I think that it would be rather a hardship; I think that it would clog the franchise.

1708. You think that it would have the effect of discouraging claims?—I think so, because a man could not go before a solicitor, a master in chancery, or a magistrate without having a fee to pay.

1709. You say that in most parishes the possession of property is so well known that publicity is a good security against bad claims?—I think so; publicity and the vigilant endeavours of the agents of the political parties.

1710. Does that answer apply to such cases as those of joint owners, particularly in populous parishes; for instance, the ownership of a house in a street in which perhaps the houses are not numbered, are there not great facilities for such unfounded claims as those?—I do not think that that exists in Lancashire. In the case of those faggot votes the numbers of the houses, or the names of the tenants, almost invariably are stated.

1711. The publicity which is spoken of would scarcely be a security in the case of a claim on the ground of a freehold rentcharge?—I almost think that it would after a year or two; it might not for a year; a man might acquire a fictitious and unfounded franchise for a year, but it would, I think, be discovered.

1712. You would rely, for securing the purity of the register, upon the watchfulness of the political agencies?—Yes; I rely upon that to the extent of avoiding the clogging of the exercise of the franchise with unnecessary preliminary difficulties.

1713. That is the only security provided at present for the purity of the register?—Yes; but we should have an additional security in the further notices which are proposed under the suggested system.

1714. According to the suggestion which you have already made?—Yes.

1715. In your judgment, are the overseers, as a rule, competent to perform the duties which are now imposed upon them?—In large towns and populous parishes, no doubt they are, because the

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duty is performed, not by the nominal overseers, but by what is called the assistant overseer, who is a paid officer, and generally a man of intelligence, and who, from practice, becomes expert in the management of such business; it is his duty to prepare, not only the list of the county voters, but also the list of jurors, and other parish lists. But in some of the remote country townships there is no doubt that many of the overseers are very illiterate men, and that great errors may possibly be perpetrated by them. In such districts as those in the neighbourhood of the lakes, and amongst the mountains on the borders of Westmoreland and Cumberland, and other remote and purely agricultural districts, that may possibly be the case.

1716. Have you considered whether an improvement could be made in the arrangement of the parish lists in the register; whether it would be an improvement that each parish list should contain, not only the names of the persons who are qualified for property within that parish, but also the names of the voters residing in that parish, and qualifying for property in other parishes; and that they should poll according to the residence, and not as they now do, according to the situation of the qualifying property?—I have certainly not considered that question very closely; but it does occur to me that if that plan were adopted, it would add very much to the bulk of the volume, already sufficiently ponderous, which forms the county register in a large and populous constituency.

1717. It would add to the expense of printing?—It would add to the expense of printing, and as to the voting, there is already a very great facility to enable a voter to vote where he chooses; he has the power of claiming to vote at the polling place of the district in which he resides, or the nearest to it.

1718. But now he is left to make that claim?—He is.

1719. Is not the bulk of your register now swollen by the entries of persons claiming to vote in different parishes?—Yes, unavoidably so.

1720. Would the bulk of the register be much more swollen by the plan suggested than it is at the present moment by the entries of voters who have made special claims to vote at particular places?—I think so. I do not know that it would be absolutely necessary, but I think that it would be desirable not only that they should appear in alphabetical rotation, but also that they should appear at the close of each polling district as claiming to vote elsewhere. Though the list is all bound together, yet at an election the returning officer has probably only the list of voters for the polling district, and therefore he must have a list of the outvoters claiming to poll in that district. We will take the instance of Stockport: one half of the borough of Stockport is in the County of Lancaster, viz., Heaton Norris; the other half, namely, Stockport proper, is in Cheshire. Supposing that a man residing in Stockport claimed a qualification to vote for South Lancashire, in respect of property in Heaton Norris, his name would not then appear in the Lancashire list, if he were only registered in the parish in which he resided; that would be in Cheshire.

1721. I am not speaking of the case of what are generally known as outvoters,—persons residing out of the county,—I am speaking of the case of voters all residing in the county. Will you look at these two lists; the one to the left is the form of the present list, and the one to the right is the form of the proposed list (*handing a paper to the Witness*)?—It appears that the thing would be incomplete without collecting those names in one subsequent list at the end, namely, the whole of those who claimed to vote at Mile-end, and the whole of those who claimed to vote at King's-cross, because the Mile-end list has to go to the poll clerks for that polling district; they could not wade through the whole list to find out the Mile-end men who were scattered up and down,—they must have them put together at the close of each polling district.

1722. Your objection, as I understand, to having the voters entered, not only according to the situation of their qualifying property, but also according to their residence, is that it would swell the bulk of the register?—Yes. Here is a man whose residence is at Gisburn, in Yorkshire, and he claims to vote at the Whalley district in Lancashire in respect of property situate in another place. Here is another man who resides at Chageley, and he claims to vote at the Whalley district in respect of property situate at Blackburn.

1723. Does he claim to vote where he resides?—He lives at Chageley, and Whalley is the nearest polling place to where he resides.

1724. Then according to this list which I have handed to you, he would naturally be registered there?—I will take the case of another man living in Yorkshire; he claims to vote at Whalley in Lancashire, in respect of property situate at Preston, which is not in the Whalley polling district. I merely mention this to show the necessity of the names being all collected at the close of each polling district, in order that the polling officer and the poll clerks, and the representatives of the parties may have this sheet of paper before them, without the necessity of hunting through the whole register to find these names. The plan suggested would leave the thing incomplete.

1725. You think then that anything which swelled the bulk of the register, although it might make it more convenient for the use of electing agents, and candidates at elections, would be objectionable, because it would be increasing the bulk of a volume which is already inconveniently large?—You must not so understand me. I do not think that the mere cost of the printing, or that the adding to the bulk of the volume, ought to be for one moment considered, if there is any compensating advantage from it, but I do not see the advantage of a man's name appearing in the parish in which he resides.

1726. Provided that there were an advantage in it, you would not object to it on the score of expense, or on the score of its adding to the bulk of the volume?—I do not think that it would be politic to object to any arrangement on the mere account of the expense.

1727. What is the expense of printing the register for South Lancashire; what was it last year?—998 *l.* 16 *s.* 9 *d.*

1728. And what is the price at which it is sold?—Ten shillings a volume, or 1 *s.* for a parish.

1729. You sell it for 10 *s.*?—Yes; the whole volume unbound, collated in sheets.

1730. Might you raise the price, or are you limited to that price?—That is the price at which we have been directed by the Finance Committee to sell it. I should mention another objection to the proposition

proposition which is described in the list which has been shown me, namely, that it leaves the thing incomplete; it only gives the out-voters resident in the county; it does not give those who are resident out of the county.

1731. Mr. *Walter.*] What do you mean by out-voters who are resident in the county?—We call all voters who claim in respect of property situate in one parish, and who are resident in another, and who claim to vote at a polling-place near where they reside, out-voters (I am only speaking of Lancashire); we do not make a distinction between those resident in the county and those resident out of the county, we call them all out-voters.

1732. Mr. *Hunt.*] Mr. James suggests that if the voters who were resident in any parish in the county, and whose qualifications were in another parish in the county, were added in a supplementary list at the end of the parish list, you would get all those voters in the polling district list, which is supplied to the returning officer, with the exception of those who lived out of the county; that would be so, would it not?—Yes.

1733. Were you not incorrect in stating that, by this plan, you would require to have another list for the returning officer?—I think that I did not say so; I have not had an opportunity of reading Mr. James's pamphlet with sufficient care, but I did not understand that he proposed to collect them in that way.

1734. The proposition is this, that you should first of all, have in the parish list all those who reside and have qualifications in the parish, and, supplementary to it, a list of those who reside in the parish but have qualifications elsewhere in the county?—The name would have to appear three times, according to Mr. James's proposal; it would appear in the parish in which the voter resided, it would appear in the parish in which the qualification was situate, and it would appear again in the collected list of out-voters for the polling district. At present it only appears twice.

1735. It would not appear in the last list which you have mentioned, inasmuch as that would no longer be necessary. It would be taken out of the list of persons who are now allowed to poll at a different polling-place, and would find its place in the parish list, but under a separate heading. You, however, think that that plan would add very considerably to the expense?—I must confess that I do not quite understand the proposal. It does so appear at present; it appears in the parish in which the qualification is situate, and I do not see the good of having it in the parish list in the numerical order, and then for it to appear again at the foot of that parish list; but I do not see the necessity of his name appearing in the parish in which the voter resides.

1736. That would be for the convenience of canvassers; but you do not see any other advantage in it?—They have the same convenience from the collected lists of out-voters.

1737. They have no such convenience, except in the case of persons who claim to vote at a different place from that in which their qualification is situated, have they?—No, and that is the only case in which it is necessary. If they reside and have their qualification in their own polling district, the whole thing is within a circumscribed space.

1738. To go to another point, namely, with regard to the printing of the register, when you send the list to the overseers, they reprint it, do they not?—Yes, many of them do; but about one-third of the whole number apply to us for the number of copies which is requisite.

1739. Is not a great additional expense created by the reprinting of the list by the overseers?—There is a great additional expense, and not only so, but very great inconvenience to the Revising Barrister from the variety of forms in which the lists are printed.

1740. They are in different type?—In different type, and some of them in sheets the size of this table.

1741. Could not that be easily obviated, by the Clerk of the Peace in the first instance sending a sufficient number of the parish lists of the register then in force to the overseers?—Yes.

1742. Do you think it desirable that there should be a provision to that effect?—I think so, certainly. One great necessity for it is the difficulty which Revising Barristers find in the course of their revision in interlining, unless, as we do, the type is printed sufficiently wide to permit of an interlineation between two names.

1743. That is a mere matter of convenience, with respect to which, if it were left to the Clerk of the Peace there would be a uniform practice hereafter?—It is a mere matter of convenience, but it is a thing which would very much facilitate the work of the Revising Barrister. The parish officers are not aware of it, and they print the names so close together that it is impossible to interline a name.

1744. The alteration of the law which is suggested would get rid of that difficulty at once?—Yes, and it also would get rid of the liability to commit errors.

1745. At present many errors are made by the parish officers reprinting the list of persons already on the register?—Yes; in the process of examining the copies of the register in our office, we find a great many errors arising from that source.

1746. Are not persons accidentally left out?—Yes; or names are wrongly spelt; or the Christian names are put wrong.

1747. And their property is sometimes differently described?—Yes; probably the qualification of one man is put to the name of another.

1748. So that, through the ignorance or inattention of an overseer, a man may be put to the inconvenience of being objected to, or of losing his vote altogether, without being objected to?—Yes.

1749. The Revising Barrister might expunge a name on account of the description of the qualification not by law conferring a vote?—Decidedly.

1750. Do you think that it would be desirable that the existing parish lists should be placed on the church door simultaneously with the notice to claim. According to the present law, the overseers put a notice on the church doors calling on all persons to claim?—Yes.

1751. And after those claims have been sent in, the present parish list is put upon the church door, and also the list of the new claims?—Yes.

1752. Do you think that it would be desirable that the old parish list should be placed upon the church door at the same time as the notice to claim, so that persons in the parish, or their friends, could see whether they were already on the register or not?—I think that that would be a decided advantage.

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1753. I suppose that, except when a contest is expected, you sell very few copies of the register?—Very few; in addition to those which the agents of the two political parties require at the commencement of each year of registration, and those which the overseers require for the purpose of the new registration at the close of the year; unless there is a probability of a political contest we sell none.

1754. What would be the number which you would sell on an average for each division when no contest was expected?—I should think not more than thirty entire copies. Perhaps we have a ton weight of useless ones left on our hands at the end of the year.

1755. You are obliged to print them?—We are. I do not see how the necessity for the printing could be dispensed with.

1756. You think that you must print the waste copies, in order to be ready for any emergency?—Yes; of course, as all gentlemen know, there may be a sudden emergency for an election from a variety of causes.

1757. You see no way out of that?—No; 1,000*l.* is an unimportant item of expense in a large county.

1758. Do you ever attend the Revising Barrister's Courts in your own county?—Not except on the first day of the revision for each polling district. We attend in order to hand the lists to the Revising Barrister.

1759. Do you ever sit there while the proceedings are going on?—No; at the close of each day's revision the Revising Barrister sends to us, by parcel or post, the result of his day's work.

1760. You do not sit to hear the cases decided?—No.

1761. You have suggested, as other witnesses have done, that every objector should state the grounds of his objection particularly. Do you think that there would be any hardship in putting an objector to the election whether he would take his stand upon a technical ground, or upon a substantial one; would there be any hardship in an objector being required to take either a technical objection or a substantial one, and not both?—I think that he should not be prevented from taking both, but that he should be compelled to allow an amendment of the technical one.

1762. You would not confine him to one ground of objection?—No, I would confine him to the grounds of objection stated, even if a dozen grounds were stated.

1763. You would oblige him to state particularly why he objected to the vote being on the register?—Yes.

1764. Not only stating "I object to your vote on account of your want of qualification," but "because your qualification is not sufficient in the following respect"?—Yes; or "I object to your vote on the following grounds," and then stating "grounds of objection," and enumerating them.

1765. The Chairman suggested, and you seemed to acquiesce in the suggestion, that if amendments were allowed with regard to all technical objections, practically, those objections would cease to be made; and then you suggested that the overseer could correct the register?—Yes.

1766. How would the overseer acquire the necessary knowledge to do so. The overseer, no doubt, could acquire the knowledge as to whether or not the tenancy was correctly stated?—Yes.

1767. But how would the overseer acquire a knowledge as to whether the statement of the place of residence of an out-voter was correct or not?—He could not do that.

1768. Have you any suggestion to make as to the means by which the accuracy of the statement of the places of abode could be ensured?—No. I do not think it practicable to provide for every contingency. No human system can be rendered perfect.

1769. It has been suggested that, once in three years, some official should send to the out-voters, the line of the register in which their qualifications are described, in order to give them an opportunity of correcting any inaccuracy of description; do you think that that is a good suggestion?—There is no doubt that it would produce the effect desired to a very considerable extent; it would, of course, be attended with considerable expense.

1770. You say that you approve of Mr. James's suggestion, that the Clerk of the Peace should be the chief registrar for the county, and have a staff of clerks to assist him?—Yes.

1771. Have you considered the question of the cost of that machinery?—If the document is the same as that at present printed, I do not know that the cost would necessarily be more than the cost of the present system.

1772. I suppose that you would not be willing to undertake those duties in your own county without some addition to your salary?—At present we make professional charges for the work which we perform in reference to it. I can give you the division of the two items: the cost of the printing is 392*l.*, the register being printed by contract by Messrs. Truscott, in London.

1773. Is that for both divisions?—Yes. Our professional and other charges in connection with the registration, including the preparation of these lists for the Revising Barristers, the making of a copy (there is a manuscript copy as well as a printed one, for every year, which, of course, is a very laborious and very costly undertaking, even in the way of ordinary law clerks' work) and the examination of the proofs of the printing, amounted last year, to 606*l.* 16*s.* 9*d.*

1774. Then the cost is very nearly 1,000*l.*?—Yes; 998*l.* 16*s.* 9*d.*

1775. You may call it 1,000*l.* in round numbers?—Yes.

1776. Supposing that the machinery suggested by Mr. James were put in force, what addition to the expense in your county do you think that it would involve?—I have not had time to consider Mr. James's suggestion; I only received from the Chairman Mr. James's pamphlet yesterday morning, and I had to come up here, and I have not had time to ascertain quite fully what the additional duties which he proposes are, but from the rapid glance which I had of his book, there seems to be a very considerable amount of additional duty. He would require the Clerk of the Peace to attend the Revising Barrister at all his Courts continuously; that would necessitate very great additional expense, and would very much interfere with the Clerk of the Peace's other duties,—his duties at Quarter Sessions, and other duties, and I do not think that there would be any corresponding advantage.

1777. Mr. *Sclater-Booth.*] I rather understood that the proposal was, that the Clerk of the Peace should have the entire correction of the list, so far as regarded formal grounds of objection, and that

that therefore nothing would be left for the Revising Barrister to do but to decide upon substantial objections. If that was done, do you consider that the Revising Barrister would be relieved from so large a portion of his duties, that a complaint might arise on the score of expense; that is to say, that the Revising Barrister would be paid too highly for what he had left, and that a reduction of his salary might be demanded on that account?—I do not think so, because at present, the time for which the Revising Barristers are actually engaged is so very short.

1778. If the country were not to be relieved of any part of the salaries of the Revising Barristers, the whole of the charge proposed to be incurred by the counties would be so much additional to what is now paid?—Yes. Of course the Revising Barristers must be paid upon a scale which would make it worth the while of gentlemen of sufficient position and legal attainments to undertake the duty, and at present, as I have said before, the number of days that the Revising Barristers are actually employed is very small.

1779. But under the scheme, as I understand it, almost the whole of their duties would be discharged by the Clerk of the Peace?—But still it would be necessary for them to appear at the polling-place of each polling district to revise the list of that district, and the consequence would, perhaps, be, that instead of stopping, as at present for an hour, they would have to stop half-an-hour, but I do not think that that would justify any reduction in the amount of the remuneration paid to the Revising Barristers.

1780. Mr. *Collins.*] Do you see any difficulty in a plan of this sort, that the elector or his agent should send in to the Clerk of the Peace notice of his change of residence, and that then in the list delivered by the Clerk of the Peace to the overseer, the correction should be made according to the wish of the voter?—That is another way of putting the proposition which I have ventured to submit.

1781. Do you think that there would be any danger of fraud in the Clerk of the Peace having power to amend the second column upon what he conceived to be satisfactory information of a change in the place of abode?—I do not see any objection, but on the contrary great advantage.

1782. If there was such a power, would not that remove a great number of the objections which are taken on the ground of change of residence?—No doubt it would, but then the difficulty which the gentleman on the left of the chair suggested a short time ago would arise, namely, that parties will not take the trouble to do it, unless their attention is called to it, and not always then.

1783. Would there be much expense in the Clerk of the Peace acting upon the letter or communication of a voter, and amending the list; the Clerk of the Peace taking no step except upon solicitation from the voter or his agent?—The additional expense would be very trifling.

1784. And would not it be an easier mode to the voter of correcting his place of abode, than sending in a new claim of four columns; is it not a simpler matter for an elector to write to the Clerk of the Peace to say, "I have left No. 10, East Street, Bradford, and now reside at No. 12, West Street, Leeds, and wish to be so described upon the register," than to send in to the overseer of his parish a new claim with the usual four columns?—There are frequently men of the same name. In the city of Manchester there are, perhaps, twenty John Smiths, and you must make it apparent which John Smith is the one intended. The only perfectly safe mode of avoiding error in taking the wrong party, would be to make the communication in this way, "I, John Smith, appearing on the register, No. so-and-so, residing at so-and-so, and claiming to vote in respect of property described as so-and-so, hereby give you notice, that I have changed my residence." I conceive that you must do that.

1785. But supposing that the Clerk of the Peace had any doubt which John Smith was the person who wished to have his place of abode changed, I presume that the course of the Clerk of the Peace would be to leave things as they were?—Then the evil would not be remedied.

1786. Not in that case; but supposing that you found the name of Montague Jones in a particular township, and only one Montague Jones there, then, I suppose, you would presume that he was the person who wished to have his address changed?—No doubt.

1787. And in the majority of cases, when you had the list of the township, and the places of abode, and the Christian and surnames of the parties, would it not convey to you an idea of the person who was wishing to have his entry on the register properly described?—No doubt it would.

1788. The other case would be exceptional?—Yes; but I think that to provide for those exceptional cases, and to prevent the probability of error, it would be better to make it a strictly legal document, and to set out the particulars. If the franchise is worth possessing, it will be worth a man's while to take that little additional trouble.

1789. Viscount *Ingestre.*] I think you said that in rural parishes there were great mistakes, from the want of ability on the part of the overseers?—There are considerable mistakes.

1790. And that from the various forms in which the register was printed, there was great difficulty from the want of room to make an interlineation?—Yes.

1791. Do you think that the expenses of the proper remuneration of one or two officers to transact the business which is now done in 100 or 200 parishes, and charged for by separate overseers, would occasion less cost if it was done in the Clerk of the Peace's Office, and done by paid clerks under him?—You mean, to dispense with the necessity of any portion of that duty being performed by the overseer?

1792. To do as much as possible at the head office, instead of by the overseer?—The difficulty is this, that a certain amount of local knowledge is required, and the party most likely to possess that local knowledge is the overseer, and all the work depending upon such local knowledge must be left in the district. The merely routine office work might be transferred to the office of the Clerk of the Peace, or of the general registrar.

1793. With very little assistance, the overseer could send an intelligible return, could he not?—Yes; but where is he to find that assistance?

1794. Perhaps, by a paid clerk from the Clerk of the Peace's office?—To go round to visit each locality?

1795. Exactly?—Then would come what I have stated before, namely, that the registration office must be kept open all the year round, because, of course, you could not visit the whole of the county in a limited period.

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1796. Mr. *Algernon Egerton.*] You said in your note to me that you thought that a great number of fictitious votes were put upon the register?—Yes.

1797. All the notices of claims which are sent in to the overseer need not be signed by the claimant, need they?—No; if they appear to be signed by the claimant the overseer is bound to receive them.

1798. In practice, I believe they are not signed by the claimant?—Very frequently.

1799. They are sent in by political societies?—Yes.

1800. Do you think that it would be any advantage to make it necessary that the notice should be signed by the voter?—I think that it would be a great improvement.

1801. The overseer in the parish would have some means of knowing the handwriting of the claimant, I suppose?—It would be proved before the Revising Barrister probably.

1802. If there was any doubt upon that point?—Yes.

1803. Then it would be a valid ground of objection that the notice of claim was not signed by the voter?—Yes.

1804. And that would come before the Revising Barrister for consideration?—Yes.

1805. Does any other mode occur to you of preventing fictitious votes being put upon the register?—I would merely add that it would be a desirable course, as I state, I think in my letter, to surround the notice of claim with sufficient penalties or other punishment for fraud, if possible. The mode of accomplishing that, of course, might require consideration. I am not prepared to say what particular modes of punishment I would suggest for preventing fraud. With reference to the making of claims, there is this to be borne in mind, that it would not be politic, or perhaps constitutional, to create any difficulties in the way of a person claiming the franchise. It is a constitutional privilege, and one which a man ought to have every possible facility to exercise consistent with the avoiding of fraud, and therefore it does not do to clog it with too many difficulties or provisions.

1806. Mr. *Evans.*] When you state that there are a great many fictitious claims, do you mean by fictitious claims actually fraudulent claims, or do you merely mean claims arising from some misapprehension?—I mean such a case as this, that a small property is bought by a number of persons subscribing together, and that it is made to support a greater number of votes than the value of the property justifies. That is one of the principal modes in which such claims are made.

1807. That would be a fradulent claim?—Yes. The creation of fictitious rent-charges is another mode, and there are some few others which it is not necessary to enumerate.

1808. Both those kinds of fictitious claims which you have mentioned you think are frequently made?—Yes, there is no doubt of that.

1809. I understood you to state that you have had the management of the register for 10 years?—Yes.

1810. During the whole of that time were there political societies in the county who looked up the register?—Yes.

1811. Have you any acquaintance with counties where that is not the case?—No, I cannot say that I have.

1812. Is it probable that the cost of making out the list of new claims for the whole county in the office of the Clerk of the Peace would be greater than the present aggregate expense charged for separately by the parish officers?—I should say that it would be less than the present cost.

1813. Mr. *Wynn.*] I understand you to state that you would not propose to give costs against the claimant in cases of fictitious claims; that is to say, claims which turned out to be unfounded?—I think I stated that I would leave it in the discretion of the Revising Barrister.

1814. If costs, as was proposed by another witness, followed the event, would it not operate very unfairly in the rural districts upon voters who claimed; for instance, a tenant, not having been sufficiently long in occupation, might claim *bonâ fide*, but his vote would not be allowed in consequence, either of his rent not being sufficient, or of his not having been long enough in occupation?—Yes; that is just an exemplification of one of the cases which induced me to form the opinion, that it was desirable not to make costs following the event indispensable, when the objection was one to substance and not to form. In all cases of objection to form, and where that objection was not withdrawn after amendment, I would make costs inevitable, but in cases where a *bonâ fide* notice of objection had been given, even if that objection was not substantiated, yet if there were circumstances which appeared to the Revising Barrister to have given just ground to another voter to suppose that there was something unsound in the vote, I would leave costs to the discretion of the Revising Barrister.

1815. I suppose you have in Lancashire no parishes so small that the overseers write the lists instead of having them printed?—We have.

1816. Do you not find that a very fruitful source of error?—Very much so. In some cases the writing is so bad as to be illegible.

1817. And it is very often a written list which is supplied to the Revising Barrister instead of the copy of the register which is transmitted, and which ought to be furnished to the Revising Barrister?—Precisely; and the same thing applies to the list of new claimants. We have some small parishes in Lancashire in which there is not more than one voter.

1818. Do you see any difficulty in adopting a suggestion, I think of Mr. James', that a sufficient number of copies of the register relating to the parish should be furnished to every overseer to enable him to dispense with writing the existing register at all?—I have already answered a similar question, I think, by stating that it would be desirable to do so.

1819. You say that you at present in Lancashire print a large extra number of copies of the register in case of an election; can you at all state the margin which you allow?—We print 200 copies of the register of each division, and the Committee will be aware that the expense of printing even 200 more copies would be comparatively trifling. The type is set up, and after that it is the mere expense of printing and paper, so that if the number were doubled or trebled it would only be a slight addition to the expense.

1820. There are, I suppose, no means of arriving at the costs to which the parishes are put in respect of the expenses attending registration; those costs are allowed by the poor law auditors, but there are no means of arriving at their collective amount for any county, are there?—No, not without calling for a return. It might, of course, be ascertained.

Robert Baxter, Esq., called in, and Examined.

1821. *Chairman.*] You are, I believe, a partner in the firm of Baxter, Rose, and Norton?—Yes.

1822. You have been largely concerned in elections, and in the business of registration for many years?—I have. For the last 10 years I have not mixed in the registrations, and very little in elections; but previously to that, I was very largely concerned in registrations, and in elections too.

1823. No change has been made in the law of registration since the time when you ceased to be concerned in it?—Nothing material.

1824. Has any change at all been made?—There have been greater facilities for making new polling districts since I began the registration, and there have been one or two little alterations, which do not now occur to me.

1825. The alteration in polling districts rather bears upon facilities for voting than upon the system of actual registration?—It bears more upon the voting than upon the registration; but the register is generally corrected by the Revising Barristers, by one sitting for each polling district; and, therefore, the smaller the polling district, the more convenient the attendance of voters to register.

1826. It is more convenient for the voters who reside in the district?—Just so.

1827. In the case of an out-voter, it may be as it happens, it may be more convenient or more inconvenient?—Quite so.

1828. What, in your experience, are the principal evils of the present system of registration?—I think that the principal evil is the want of accuracy in the register, arising from the indifference of parties to see themselves duly registered. It is a singular fact, that, whilst in no country is the franchise more prized than it is here, you cannot get the majority of those who possess the fanchise to put themselves upon the register, so as to be entitled to exercise it.

1829. Many of them are very keen when an election comes, but in the interval there is an indifference about taking the trouble necessary to keep their entries upon the register?—Just so; for two or three years after an election they will take every possible pains to put themselves upon the register; but after two or three years have elapsed they become indifferent, and nobody thinks about it till the next election supervenes.

1830. Do you find that that indifference exists not only as to correcting the register, but also as to making new claims?—Certainly.

1831. Have you any remedy to suggest for that particular inconvenience?—I think that the best remedy which can be devised, although it is not a perfect remedy, would be, to require that the overseers should make out the list of county voters as they now make out the list of borough voters, leaving it yet to the county voters to claim if they are omitted by the overseers, or if they prefer to send in their claim without waiting for the overseer to do it; but I see no reason whatever why the overseer should not, in the first instance, make out the list for the county as well as he does for the borough.

1832. The county franchise is a more complicated one than the borough franchise?—Much more complicated.

1833. It depends, in many instances, upon circumstances which can only be within the knowledge of the voter himself?—It does so; and therefore you could not expect the list made out by the overseer in the county to be equally correct with that which is made out in the borough; but there is in almost all places a general knowledge of who is the owner of property, and that to the extent to which it is acted upon, saves that owner the trouble and expense of sending in a claim. No doubt the overseers are not, generally speaking, able to distinguish with a nicety between the several classes of qualification; that will always be the case until they are generally more highly educated; but it occurs to me, that if the Revising Barrister were required in any case where the overseer put on a new claim, to examine the overseer as to the grounds upon which he inserted such claim in the list, and if it were required that the Revising Barrister should also look over the list, and correct the technical description of the qualification, where the materials were before him to do it, you would advance as far in the matter of accuracy as it is possible to do.

1834. You propose, then, that the overseer should act from general information?—Yes. The overseer has the rate-books, and although the rate-books do not necessarily mention the owners, yet in 19 cases out of 20 the owners are registered in the rate-books; this registration may not be complete, but it is carried to a very great extent, and it comprises a very great portion of the owners. Besides that, if any occupier be there, particularly in a country place, everybody in the neighbourhood knows who his landlord is, whether the name be upon the rate-book or not.

1835. Then, the rate-book would be a useful guide to the overseer; but you do not propose that the overseer should be bound to act by the rate-book alone, but that he should act generally upon information which he might derive from whatever source?—Certainly.

1836. Would not that be liable to this danger, that a partizan overseer would put on the register those who were of the same political principles as himself, and would take good care not to put on those who were not?—There is no doubt of it, and you cannot prevent that being done. The borough registration is liable to it now; but I think that it would be, if not a perfect defence, a very fair defence against such a danger, if the Revising Barrister were required, in all new claims, to examine the overseer, and satisfy himself that the overseer had reasonable grounds for putting those claims upon the register.

1837. Would you propose to punish the overseer by fine if it appeared to the Revising Barrister that he had put on a name without having any reasonable grounds for doing so?—Yes, I would. The Revising Barrister has now the power to fine the overseers, and I think that his present power would extend to that effect, but if not, he ought to have it.

1838. Has he the power now to fine an overseer, or in any way to mulct an overseer in costs, who makes an unreasonable objection to a vote?—I have not known a case in which an overseer has been mulcted in costs for objecting, but he

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may be fined for general neglect of duty; for instance, not bringing the lists. I think that the power of fining is general for any neglect of duty.

1839. If the overseer is to act from general information, it would be very difficult for the Revising Barrister to find fault with him for having put on, or omitted to put on, any particular name, because it would amount to a question of judgment, would it not?—To some extent it would; but the overseer would hardly venture to put on a name which did not appear in his rate-book; if he undertook to put such a person down as a voter, he certainly would put him down in the rate-book; and if the Revising Barrister had, as he always has, the rate-books brought by the overseer on those occasions, the overseer would have to justify the insertion of the name by showing that the property was upon the rate-book.

1840. Then you would propose that the overseer should always make use of the rate-book as his *primâ facie* evidence?—Certainly.

1841. He is bound, as overseer, to make his rate-books as accurate as possible, and if he knows the owner of a property, he should put his name into the owners' column; if he puts a man upon the register of voters whose name does not appear upon the rate-book, it is an impropriety in the performance of his duty.

1842. Then you would not allow the overseer, for instance, to put a man on the register because he, the overseer, said that he thought he was entitled in virtue of a freehold rentcharge?—Certainly not, unless he had paid it or seen it paid, or had some evidence of the fact which would enable him to speak upon evidence beyond hearsay.

1843. Are you acquainted with the Union Assessment Committee Act of 1862?—Only generally.

1844. That Act has so far improved the rate-books that the value of properties is more accurately ascertained under that Act than it was under the old Parochial Assessment Act?—Yes. The accuracy of the rate-books has become greater year by year, the value of property as it is there entered, is reaching more nearly to the standard of the true value than it used to do. You are aware that now parties are rated not only to the poor, but to the Income Tax, and as far as my experience goes the Income Tax Commissioners have taken greater pains to ascertain the actual value of the property than the parties who make out the poor-rate.

1845. Then do you propose that the Income Tax Returns should be available for the purposes of registration?—They would be extremely useful only upon real property, nothing else would be affected. If the Income Tax Returns upon the real property of the parish were before the Revising Barrister as well as the poor-rates, he could hardly fail to obtain from one or the other evidence as to whether a man was a voter or not.

1846. Are you aware that under the Union Assessment Committee Act, the Union Committee are empowered to call for the Income Tax Returns to enable them to assess more correctly the value of the properties, and that they in practice do so?—Yes.

1847. Therefore the valuation lists as they are now framed upon which rates are now to be made, have, since the passing of that Act, been more correct as to value than they were before?—Yes, I believe so.

1848. Taking the valuation lists or the rate-book, what class of owners do you think an overseer could, with a presumption of security, register from the rate-book?—He would, almost without a mistake, register the known landlord of the property; he would fail to register a man who had a rentcharge or any other charge in respect of which he was not actually rated in the rate-book, but the great majority of freehold cases are those in which the party who has a right to claim has the ostensible and known proprietorship of the property.

1849. You think that in the majority of cases the person entered in the column of owners, as the owner of the property, is the real owner?—Certainly.

1850. The column of owners does not show the nature of the ownership; it does not show whether it is copyhold, freehold, or leasehold?—It does not; and I think that the nicety between a copyhold tenure and a freehold tenure is too great to make it a wise distinction for the Legislature to draw in the value of the qualification; but it is so; it is 10 *l.* for the one and 40 *s.* for the other.

1851. We are not inquiring into what would be a good amendment of the franchise, but simply into how the registration could be improved, the franchise remaining as it is?—Just so; so I understand.

1852. Would any difficulty arise from the circumstance that the column of owners does not show the nature of the tenure of the property?—It would entail a difficulty upon the overseers; but in all country places it is very well known in the parish which part of the parish is copyhold and which part is freehold. In towns it is not so well known.

1853. In the case of an owner of property of 10 *l.* value, it is immaterial whether it be copyhold or freehold?—Quite so.

1854. Or whether it be a leasehold of 60 years?—Yes.

1855. So that where the overseer found a property of the rateable value of 10 *l.*, it would not be necessary for him to stop to enquire whether that property was a freehold, a copyhold, or a leasehold for 60 years to enable him to register the owner?—No; it would be immaterial whether the tenure was of one class or of the other, for a man would be equally entitled if it was any one of the three.

1856. If the overseer should be obliged to say which it was, how do you propose that he should acquire that knowledge?—I do not think that he would do it perfectly, but I think that to the extent to which he did it, it would be an improvement upon the present system. It appears to me that the Revising Barrister ought to have very considerable powers in amending the claim; that when a claim comes to be proved, if a qualification is proved, subject to certain circumstances, the voter ought to be allowed his vote, and the barrister ought to have the power to amend the claim.

1857. Then you would propose that in the case of property of the value of 10 *l.*, unless the overseer had reason to know that the person entered in the column of owners as the owner was not the owner, he should enter him?—Certainly.

1858. But he would also be obliged from his general

general knowledge to say whether he entered him as a freeholder, or a copyholder, or a leaseholder of 60 years?—Yes. In all country places he would have that knowledge; it is only in very populous places that he would not have it. The general conversation of a village or a small country town would give him a knowledge of what the tenure of the land was. A gentleman is known to be a leaseholder under such a college; a gentleman is known to be a copyholder under such a lord; a gentleman is known to be a freeholder in his own right.

1858.* But is it generally known whether a man is a leaseholder under the owner in fee or whether he is a sub-lessee?—Yes; it is remarkable how in country towns and villages the tradition of what kind of property it is, who is the ultimate owner, and what the interests of the parties are, is known; it is extraordinary to what extent that is so carried; it is matter of common conversation and information, and just as every man's pedigree in Edinburgh is known, so every man's property in every country town is known.

1859. In the case of a leasehold property there may be three votes out of the same property?—There may.

1860. But only two of those votes could possibly appear upon the rate-book; there would be the occupier, and there would be a name in the owners' column, which might be the name of the leaseholder or the name of the owner in fee?—Yes.

1861. Should you propose in such a case as that that the overseer should from his general knowledge put a name on the register for the third vote which did not appear in the rate-book at all?—It is difficult to answer how far the overseer should act upon general knowledge; but in the case to which I allude it is just as well known in all the country parishes who is the leaseholder and who is the head landlord of the leaseholder, as it is known that the occupier is occupying the farm. You go into a parish, as I have been, into many, and any farmer, or almost any labourer, will tell you whose property that is, and that it is held under King's College or held under another college, and that Mr. So-and-so is the tenant, and that he pays his rent to Mr. So-and-so, who is the leaseholder. I do not think that you would find that there would be lack of knowledge in any country place even upon that topic. But taking it with all its imperfections, namely, that the overseer does not define accurately whether the property is freehold, copyhold, or leasehold, yet to the extent to which he puts a man upon the voters' list, he saves the trouble to the voter of sending in his claim. The voter may supplement it, if he is left out; he may correct it, if he is improperly described; but the difficulty really now is, that voters will not take the trouble to send in their claims, but that it is left to political agency to get the claims sent in.

1862. In order to register a man, it must be stated whether he is registered as freeholder, or copyholder, or leaseholder, must it not?—Yes, that is the accurate way of registering.

1863. Is not it necessary, in order to enter a man's name in the list at all?—To enter it accurately it is, but he is constantly entered as a freeholder when he is a copyholder, and it may be wrong.

1864. Would you propose that, in a case where the overseer did not know whether the property was freehold, copyhold, or leasehold, he should enter the man as a freeholder at a venture?—He must exercise the best of his judgment upon that topic: he may make a mistake; but I should let the overseer's act, in entering a new voter, be scrutinised by the Revising Barrister, who should require his reasons for entering it. If a man is objected to, he has to prove his qualification; if he is not objected to, and the entry is informal, the Barrister should have power to strike out an informal entry not in accordance with the statute, unless somebody should supply the information which is wanting.

1865. Would there not be a good deal of information, in many cases, to be supplemented by the elector himself?—Yes; and you cannot devise any system whatever which will not be open to that difficulty.

1866. If it must necessarily be left to the elector himself to supplement the information, what trouble is he saved; might he not as well be left to make his whole case?—Perhaps out of 20 names, 19 might be accurately stated, and one could not be accurately stated except by the personal information of the voter, but to the extent of those which are accurately entered by the overseer, you have improved the system.

1867. You think that the overseer might accurately enter 19 out of 20 votes?—I think so.

1868. What proportion would the 20 votes which he would enter bear to the 500,000 voters, constituting the county franchise of England?—I think that in most cases, in the proportion of 19 to one, the overseer could enter correctly.

1869. Do you mean that out of the whole number of 500,000 county electors, 19 to one might be correctly entered by the overseer?—Yes; they are not entered by one man, or by 1,000 men, but in every parish there is an overseer, and he has a limited sphere of observation and knowledge, and he makes the entries. Supposing that there are 100 voters, I do not think that the overseer would make a mistake in above five votes; he might make a mistake in his manner of putting down the vote, but the question, whether a man was really entitled or not, would be within five votes.

1870. Take the case of the voters who vote for rentcharges; the overseer can scarcely enter any of those votes?—No; they must take care of themselves; they are a peculiar class.

1871. Do you know what proportion they bear to the 500,000 electors?—I do not; it is returned, but I have not got it.

1872. You have said, especially, that this plan could be carried out in country parishes, where every man is well known?—Yes.

1873. Take the case of urban parishes in a manufacturing or metropolitan county; what knowledge has the overseer there of the property?—In those places the rate-books will be made more accurately than they are in the mere country parishes; and you will generally have a man of higher intelligence than the overseers of the mere country parishes, and although the difficulty is enhanced wherever the population is thick, yet you have a more accurate mind directed to it, and you have habits of greater industry to aid it. You cannot, in either case, expect perfection, and nobody can propose a plan which will work to perfection.

1874. In town parishes is it generally known whether property is leasehold, and what the term of years of the lease is?—Very little is known about the term of years as to house property;

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perty; I do not think that there is a general knowledge in any large town as to whether the owner has it or the leaseholder has it. In a place like London you cannot tell where the owner is.

1875. Therefore in those cases of populous urban parishes, the overseer would obtain little assistance from the rate-book?—He would be a great deal more inaccurate than he would be in the smaller or country places; but, as I said before, to the extent to which he does accomplish it, he saves the voter the trouble of sending in a claim, and in London, practically, claims by owners are utterly neglected; there is not one case in a hundred in which a gentleman, having a vote in London, takes the trouble to look after it.

1876. Unless the overseer enters him sufficiently correctly to obviate the necessity of any supplemental information from the elector, he saves him no trouble whatever?—He will put him upon the list liable to objection, no doubt; if he puts him down as a freeholder when he is a leaseholder, if anybody objects to him he may be struck off, if the Revising Barrister has no power to correct the claim. If the man is not objected to, he will have a vote. But still that is better than his not being upon the register at all, as it appears to me.

1877. Is not one of the great evils of the present system of registration the unlimited number of objections which are made?—That is one, and the converse of that is the unlimited number of false claims which are made.

1878. If it were known that an overseer had the power, from knowledge more or less perfect or imperfect, according to his discretion, to put claimants on the register, would it not become doubly necessary on the part of political agents or individual electors to object to everybody who came forward as a claimant?—Where there is a political organisation at all their practice is to object to all the new claimants, whether put on by claim or put on by the overseer, and their trouble would not be at all enlarged by the overseer doing it instead of the voter sending in his claim.

1879. But at present the overseer does not put anybody on the register?—None.

1880. If the plan which you propose were adopted, the number of claimants would be multiplied?—Yes.

1881. Consequently, the number of objections must at least be correspondingly multiplied?—Yes, upon the new claims it would be so; but now the political agent has himself to go to the rate-books to search out the owner of the property; to ascertain the tenure under which he holds the property; to fill up the claim, to send it to the voter for signature, and when he has got it back, to send it in to the overseers: that is now practically done by the political agents. In the other case, the agents on both sides would go to the overseer, and take the books with them, and so would get to know the grounds of putting on a man before they objected to him, or went to the Court of the Revising Barrister.

1882. Would not the result be that you would require all the action on the part of political agents which you do now, and that you would have brought the overseers into action besides?—The overseers would do the thing honestly and well; you would not have that result, perhaps, at first, but as the thing became more and more frequently done, and as their mode of doing it became more and more scanned, the result would be that you would find, that ultimately there would be the same habits amongst the overseers as there is in any person performing any duties which are of a judicial character, namely, the habit of discharging them without favour or affection for any party.

1883. The overseers are annual officers, are they not?—Yes; but in the small districts there is the rotation of a very limited number, and in the town districts they become paid officers.

1884. You have spoken of the assistance which the overseers might derive from the column of owners, which is very imperfect. Looking to the column of rateable value as entered in the rate-books or the valuation lists, how far would it be an assistance to the overseers in determining whether the value of the property was sufficient to entitle a man to a vote?—It would be a most material assistance, not to say a perfect assistance. The overseer knows very well, from his own tenure and the tenure of his neighbour's, in what proportion the rateable value standing upon the book is below the actual value; and, assuming the book to have been made by a man of fair judgment, he will take that as the proportion on which all the entries in that book are below the actual value. He has, therefore, only to add a percentage to the figure which appears upon the book, and he has the actual value.

1885. The rateable value, as entered in the valuation list, is the gross estimated rental of the property, deducting from it tenants' rates and charges, and the expenses necessary to keep the property in a state of repair to command that rent?—Yes.

1886. What is the definition of the value which qualifies for the county franchise?—I think that the language of the statute is, "free from all outgoings;" but the interpretation, as I understand it to be given to that is, that supposing the tenant pays the rates and pays the rent, you take the net rent; and any matter of repair is never deducted from the value of the qualification, as it is deducted before you make the net rate.

1887. Therefore that is a point of difference between the value as estimated for the purposes of rating, and the value as estimated for the purposes of voting?—Certainly, but the amount is a fixed quantity, which any overseer asking himself whether the value of the property amounted to 10 *l.*, would add to the figures appearing in the rate-book.

1888. In the case of value for the purpose of voting, it must be clear of all outgoings and charges?—Yes.

1889. You enter into the question as to whether the property is mortgaged, or is subject to charges which detract from its value to the owner?—Yes, that is the law.

1890. The rate-book shows nothing of that?—Nothing whatever, but practically, no mortgage will affect the value of freehold land, for there is not one case in 100, in which freehold land is mortgaged within 40 *s.* of its annual value.

1891. I am speaking of the 10 *l.* owners. You have told us that the column of owners does not show whether the property is freehold, copyhold, or leasehold, but in the case of a 10 *l.* owner that is comparatively immaterial?—In the case of a 10 *l.* owner it may become material.

1892. You judge from the column of rateable value in the rate-book that the property is of the value of 10 *l.* a-year, but how is the overseer to know

know anything of what mortgages or charges there may be upon it which reduces the beneficial interest to below the required value of 10 *l.*?—I think that he may fairly infer that it is unencumbered. I think that an owner of property of 10 *l.* a-year value on the face of the rate-book is entitled to have his name upon the register: the parties must take their chance of asking him whether he has his property encumbered or not. You cannot possibly know whether it is encumbered, and nobody would venture to oppose his claim upon the ground of its being encumbered unless there were some public suspicion that he was in embarrassed circumstances.

1893. In the case of a new claimant put on by the overseer, would not a political agent object to him on the chance of finding that his property was mortgaged, or in some way charged, so as to reduce it below the value?—It depends very much upon the temper with which the case is carried on. I think that it would not be fair that he should do so as a rule at all; it should be the exception.

1894. Would it be less necessary to do so in order to prevent persons who are not fully qualified appearing upon the register?—No; the practical course taken is this; you go either to the overseer, if he is a competent man, or you go to some friend who knows the parishioner perhaps very well, and you say, "Here is Mr. So-and-so who is entered as having a 10 *l.* qualification; his property is only so much a year; what are his circumstances reputed to be?" He will perhaps say, "That man is in embarrassed circumstances;" then you would object to him: or he will say, "That man is very well off in the world; he is a man of property;" then you would not venture to object. It has never been the practice in the West Riding of Yorkshire, with which I am more intimately acquainted, to make reckless objections upon the mere chance of finding out an encumbrance, and, in my opinion, it ought to be discouraged.

1895. As it stands now the presumption is that a man does not make a claim if he has an encumbrance on his property which reduces it below the value. If a man is to be put on by the overseer who has no knowledge whether there is any encumbrance or not, would it not be necessary that the political agent should be active in his investigations?—My experience of some years is decidedly that if a man be a political partizan, he will make a claim, notwithstanding his property is encumbered, and run the risk of being objected to.

1896. In any case, the action of the overseer in putting on a man would not dispense with the vigilance of the political agent?—No; that will never, under any circumstances, be dispensed with; it may become lighter, but it will never be entirely dispensed with.

1897. The saving would be not to the political agent who watched the registration, in order to prevent unqualified persons coming on, but to the voter, who, instead of having to make the claim himself, would find it made for him by the overseer?—It is so, because as to political agency, (as I have explained), within three or four years following an election, the register is carefully watched by the political agents; but in nine cases out of ten, after that interval, they become tired of it, and give no attention to the matter, and they wake, after two or three years' inattention, to find the register full of all sorts of imperfections, and a great body of men who have qualifications not entered upon the register at all; and as I presume that the purpose of this Committee is to enquire how the register may be made in a manner self-acting, it appears to me that the first step towards that would be to throw upon the overseer the duty of doing the best he could in entering the names of the parties entitled to vote.

1898. We have been speaking of owners who appear in the rate-books as having property of the value of 10 *l.* Take the case of a 40 *s.* freeholder (a man whose property is less than 10 *l.*), how far would the overseer be able sufficiently to judge of all the circumstances to register him?—I think very fairly, and that in the majority of cases he could judge accurately.

1899. A 40 *s.* freeholder is not entitled to a vote unless the property belongs to him in fee, or belonged to him before the year 1832, or if he has acquired it by marriage, or devise, or settlement; is not that so?—Yes.

1900. How can the overseer have any knowledge of any of those circumstances?—It is very rarely that small properties come by descent; the majority of small properties are bought by the parties, or conveyed from one to the other. The cases of life-interests are very rare in small properties. In settled estates there is always a complication of interest involving the question of life-interest; but in small properties it is extremely rare.

1901. A 40 *s.* freehold for life, where it is only a life-interest, does not qualify unless the owner occupies it?—Just so.

1902. Where the owner appears in the rate-book to be the same person as the occupier, might the overseer in that case venture to register him?—If he were the owner of the house no doubt the overseer would do so.

1903. Supposing that, apart from the rateable value, that property was worth 40 *s.* a year, and it appears from the owners' and the occupiers' columns that the same person was both one and the other, and the overseer knew that it was freehold property; he might then register him?—Certainly.

1904. He would not have to inquire whether he was the owner in fee or owned it for life only?—Certainly not, in the case of an occupier.

1905. Take the case of an owner of property of 40 *s.*, who is not the occupier, the question would arise whether he owned it in fee, or how he had acquired it?—Certainly, in point of law.

1906. The overseer would have no knowledge of that?—He would only have the knowledge from the means of knowledge which I have alluded to before of all the estates which are rented in the parish; and I will venture to say again that any intelligent labourer in the place would tell him whether the property had descended to the gentleman who has it from his father, or whether he had got it from his wife, or whether he had bought it himself, and the general induction from that is, that you would assume that he was the owner in fee, unless he had got it through his wife, and then you would know that he was only holding it for his wife's use or during his own life.

1907. An intelligent labourer would tell you that of a special property in a country parish, but could he tell you that of a 40 *s.* freehold in a large and populous parish?—You cannot expect it in a large and populous parish.

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1908. Do properties of so small a value as 40*s.* appear in the rate-books at all?—I believe they do. Every party appears in the rate-book who has not been excused upon some special ground.

1909. Is not it a fact that such small properties generally are excused?—I think not.

1910. Your experience tells you that the properties which are excused, are properties which are so small as to be of less value than 40*s.*?—No; I think it is that when the parties are in indigent circumstances, or under special circumstances, they are excused; but that as a general rule a well-to-do labourer, with a cottage of his own of 40*s.* a-year in value, would be rated and pay the rates like any one else.

1911. A 40*s.* freehold may, of course, be mortgaged, or liable to some charge, just as the larger properties. Would the overseer be likely to have any knowledge of that fact?—Not at all; but the occurrence of charges upon a 40*s.* freehold is very rare indeed. Nobody would lend money on it. It is only when such a property happens to come under a will charged with a legacy to some other member of the family.

1912. The overseer can never be sure that that is not the case?—Certainly not.

1913. But is it not the case that the owners of small property have very frequently mortgaged it?—Not so small as 40*s.*, I think. The expense of the mortgage would be a very serious charge upon the income.

1914. I will now take the case of the Chandos clause voters, those who vote in virtue of occupation. What facilities would the overseer have of registering them?—He would have a perfect facility. He sees the rate, and knows that the man is an occupier; he knows the ratio in which the rate stands to the actual rental in the parish; and if he be a man of common intelligence he can scarcely make a mistake in that instance.

1915. It may be that the property is held on lease, and is let at a rent below the value, in consideration of outlay to be made by the tenant upon the property, or it may be under a variety of other circumstances, may it not?—Yes, those are exceptional circumstances, but taking the proportion of property let at rack-rent, compared with the proportion let under rack-rent, I should certainly think that five-sixths is let at rack-rent.

1916. If out of six properties, the overseer can only judge correctly of five, does not the uncertainty which there is as to one in six, very much vitiate the value of being able to register the other five?—It is only when the sixth happens to be upon the verge of 50 *l.* that he will make a mistake; if the sixth happens to be of 200 *l.* rental, or a much larger rental, it is no matter whether it be let under its value, or not; it still would be sufficient to confer a qualification.

1917. The qualification required under the Reform Act, is occupation as tenant at a rent of 50 *l.* from one landlord, is it not?—I do not know whether there has been any Act passed since I was actively engaged in registration, to make it under one landlord; it used not to be under one landlord.

1918. One rent?—One rent.

1919. The rate-book shows the occupier; it does not show whether he occupies as tenant, or not, does it?—No; the rate-book would show the occupier, and ought to show the owner.

1920. But it does not show the tenancy, does it?—No.

1921. That, again, you would leave the overseer to judge of from his general information?—Certainly.

1922. Do you consider that the overseer might safely register all voters in virtue of occupation?—All who appear upon the rate-book at or above 50 *l.* value, without waiting to inquire what the rent is; I think that it would be fair for him to presume that the property is let at rack-rent.

1923. Could he presume upon it in the case of house property?—I think so.

1924. Your experience of registration has extended to agricultural parishes and to urban parishes also?—Yes; both the large towns and agricultural parishes.

1925. Your experience as a registration agent has been, principally, in what county?—In the West Riding of Yorkshire.

1926. There you have parishes of every description?—Of every size, and with a population of every density. I think we have there about 40,000 men upon the register.

1927. You think that the overseers might register almost the whole of the Chandos clause voters?—I think so; and I think it would be far more accurate under the Chandos clause than under the other qualifications, because it is more patent.

1928. Because the rate-book gives more information as regards them?—Yes.

1929. As regards the owners, what proportion of the owners do you suppose would be registered by the overseers?—I should say certainly nine out of ten.

1930. And the only class of voters which the overseers could not undertake to register at all, would be those who voted in virtue of a rent-charge?—Just so.

1931. Do you think that the valuation lists or the rate-books might be improved so as to make them furnish additional information, which would be available for purposes of registration?—I have understood that the Poor Law Board make very great efforts to get them improved, and to get them perfect in all the columns; no doubt it must be a continual effort to get it done, and it will only succeed as the growth of education and more accurate habits pervade the whole class of overseers.

1932. What inducement is there to an overseer to correct the column of owners, and to get the names of the right owners; what is it to him whether a man who is entered as owner was dead 20 years ago, or not?—It is nothing to him, certainly; but generally, practically, the matter is dispatched thus:—the overseer himself, if it is a country village, employs the schoolmaster to correct the rate-book; if it is a town with a large population, there is a man of a higher class, who is employed as assistant overseer, and he corrects the rate-book; and if those men are ordinarily intelligent, as they look down the list of the rate-book, year by year, to see whether there are any men to be put on, or men who have left the place to be taken off, they will correct the owners' column as well as the tenants' column.

1933. They have an objection in correcting the occupiers' column, because the occupier is a man who pays the rates?—Yes.

1934. What is the use of the owners' column; why is it there at all?—I do not know that it is of any use as regards the particular object for which the rate-book is made, namely, that of raising the poor rates and the highway rates.

1935. Unless

1935. Unless it be in the case of small tenements where the rates are paid by the owner?—Yes; in that case when the owner pays the rates, where the tenements are small, it is requisite to have his name.

1936. Do you know whether that was the object with which the owners' column was introduced into the rate-book at all?—I do not. I have had communication with the Poor Law Board upon the subject, and they have stated that they have desired and have made considerable efforts to get the owners' column filled up, and that they have found through the income-tax returns very great assistance in filling up or correcting the columns where they have had occasion to refer to them.

1937. Would there be any difficulty in extending the information given in that column of owners, so that it should state correctly who was the owner, and also whether the property was freehold or copyhold, or whether he was the owner for life, or in fee and other information of that character?—There would be no difficulty other than that every additional particular which you require of the overseer gives him more trouble, and if he has to put down three particulars after each name instead of one, the probability is that he will make more mistakes in proportion than he would have done if he had been merely required to put down the owner.

1938. If the column of owners in the rate-book afforded that information it would be much more useful for registration purposes than it is now?—No doubt about it; but I do not think that it would be worth while to extend the rate-book for the purpose of forming your register. I think that you might apply the same labour to forming the register without entering it upon the rate-book.

1939. You say that if the overseer were to undertake to add that information to the rate-book he would be liable to fall into errors?—In proportion to the number of the particulars which he had to put down no doubt would be his liability to error.

1940. Would he not be for the same reason very liable to error in the attempts which he made to register people?—No doubt. I do not believe that an overseer is at all likely to make a perfectly accurate return, but in the majority of cases I think that he would make a very fair return, and his action is going on whilst all the other parties are asleep. When a gentleman will not send in his claim the overseer enters him; and if the overseer did not enter him his claim would not be entered at all.

1941. Do you think that it would be well that in case the overseer judged from the rate-book and from his own sources of information that a man was qualified to vote, instead of entering him at once as a claimant, he should communicate with that person and endeavour to obtain from him further information?—I think that it would be imposing too onerous a duty upon the overseer. I think that you ask as much as you can reasonably ask of him by what I have suggested. If, in the exercise of his best judgment, and as the result of the best inquiry which he can make, he thinks that a man is qualified for a vote he puts him upon the register, and there he stands for other people to object to if they think that he has not a vote.

1942. You are acquainted with the registration clauses which were contained in the Reform Bill introduced by Lord Derby's Government?—Yes.

1943. Those clauses proposed that the registration should be effected by the overseer in the manner which you have first suggested?—They did.

1944. That Bill did not alter the nature of the franchise in the case of owners did it?—I think not.

1945. It diminished the annual value necessary, but it did not alter the nature of the franchise?—It proposed to lower the amount of copyhold from 10*l.* to 5*l.*

1946. Then it left all the difficulties arising from title where they were?—Exactly.

1947. It got rid of the Chandos Clause qualification, did it not; it merged it into the 10*l.* occupancy?—Yes.

1948. And an occupancy of 10*l.* yearly would have been a very simple one to register from the rate-book, would it not?—I do not think that there is any distinction between 10*l.* and 5*l.* in point of facility of ascertaining from the rate-book whether it exists.

1949. The new franchise proposed was the occupation of a property of 10*l.* value, was it not?—Yes.

1950. Therefore, the question of tenancy and one rent did not arise there?—Just so, as between the two, no doubt the value is a much better test than the rent.

1951. The plan which you have been proposing for registration would facilitate claims?—Certainly.

1952. Have you any suggestion to make as to any mode by which voters might be less exposed to harassing objections than they are at present?—I do not think that there is any possible means of avoiding that beyond what is now possessed by the barrister, namely, the power of inflicting a certain amount of costs.

1953. The barrister has now the power of inflicting costs if an objection is groundless or frivolous and vexatious?—Yes.

1954. But it is very difficult to say that an objection is groundless or frivolous and vexatious, is it not?—Of course it must be an extreme case if a man cannot show reasonable ground for making the objection.

1955. There are so many small technical points on which an objector may object, that in practice, it is comparatively seldom that an objector is mulcted in costs, is it not?—It is very rarely done; but it has a most wholesome effect in narrowing the extent of the objections. If objections are given by the hundred, or even by the thousand, as they must necessarily be in a large constituency, and if you know that for each one you are liable to be mulcted in 20*s.* costs, it is a very serious thing, and I know that it does, practically, very much narrow the objections.

1956. The fear of costs does now operate very much to narrow objections?—Certainly.

1957. Would you see any objection to increasing that fear of costs?—Not at all as to amount, and, if you please, a little as to language, if you like to put it, "without any reasonable ground;" but the words "frivolous or vexatious," which are those now used, receive an interpretation on the part of the barrister, varying according to the judgment of the man who is deliberating upon them, and so would the other

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language; it would be a little more strong if you put "without reasonable ground."

1958. It has been suggested that it would diminish the number of objections, if the objector were bound to specify the ground of his objection in the notice which he gave, and were confined, when he came before the Revising Barrister, to proceeding upon that ground?—No doubt that would be a practical improvement; but what must be prohibited, at the same time, is that he shall not state more than one or two grounds, otherwise the voter would get a notice served with all the grounds of objection that could possibly be taken to the vote put into the body of it, and the objector would cull from those the one which ultimately turned out to be fatal.

1959. Supposing that each of those grounds were considered a distinct objection, and that the objector were liable to costs upon each of them unless he substantiated it, would he not be very careful only to proceed upon a ground which he had good reason to think was valid?—I think that that would be a little too hard, and I think that he might fairly state two grounds of objection, as, for example, that the value is not sufficient, and that the tenure is not as stated.

1960. And provided that he substantiated one, you would not subject him to costs?—Certainly not.

1961. The two objections which you have instanced would both be objections to the column of qualification?—Yes.

1962. Would you allow an objector to make one objection to one column and another to another; would you allow him to object to the qualification and also on the ground of insufficiency of description?—I would give the barrister power, in every case, to amend an insufficiency of description, as mistake in the place of abode.

1963. But you would allow the objector to take his objections on different columns?—Certainly.

1964. How many objections would you propose to allow an objector to take?—I should think that one objection upon each column would be quite enough to allow him to take.

1965. If you allowed him to raise on each column every point which he could raise it would come to the same thing as a general objection, would it not?—No; for instance, if he objects to the tenure, that is one objection; if he objects to the description, that is the second objection; and if he objects to the value, that is a third objection; but if you allowed the barrister to amend both the place of abode and the description, the objections under those heads would not avail. I think that the objection ought to go to the merits of a man as to his right to appear upon the register at all.

1966. Then, you would confine an individual objector's objection to some objection which went to the vote?—Yes; I think that if you gave the barrister power to amend the description and the residence; and if, beyond any objections which might be taken to those two points which the barrister could amend, you allow the objector to specify two objections upon the sufficiency of the qualification, that would meet the case.

1967. Would you not allow an objector to object at all on the ground of incorrectness of address, or insufficiency of description or other technical points?—I think that you should allow that, or else you would never get the register put into a correct state; but the objector would know that that would not avail for the purpose of striking a man off the register, and that he must go to some more material points besides. Unless you give a party leave to object on the ground of an error in residence, or an error in description, the register will never be correct.

1968. Would you render an objector liable to costs unless he succeeded in expunging the name?—I think that if there were any error even in the description of residence or qualification, he should not be mulcted in costs.

1969. If he succeeded in correcting the register?—Certainly; he should not be mulcted in costs if the claim was altered in any particular; otherwise, as I say, you would not get the register correct.

1970. But you would require him to specify the column against which his objection was directed?—Certainly.

1971. Would you in any way alter the existing law as to costs, or would you leave it as it is, in the Revising Barrister's discretion?—It appears to me to be fully effectual as it stands at present.

1972. Then you do not in any way propose to interfere with the power of claiming, which is now possessed?—No; certainly not.

1973. Nor with the power of objecting, beyond what you have stated?—No; the power of claiming must be reserved, otherwise you would be dependent upon the accuracy of the overseer, which you should not be; you may take it *valeat quantum*, and then supplement it by the claims.

1974. Would you propose to continue the existing law of claims as it is, and allow a man to obtain a vote by his bare claim; or, would you require a new claimant to give some *primâ facie* evidence to substantiate his claim?—I think that I would allow him to claim as it stands at present. I think the proposition that he should accompany his claim with some evidence of his being entitled to the claim is an impracticable thing. There is difficulty enough to get a man to make a claim now, and if he had to do anything else besides, it would never be done. He makes a claim on the list, and it is objected to, and if a new claimant was objected to who did not appear upon the register as a responsible man, there would be no ground for costs against the objector. If he had been established upon the register, and there was no ground why he should be objected to, he would naturally be entitled to costs.

1975. When an overseer now objects to an elector he is not bound to give him notice of his objection. Would you require that an overseer objecting to an elector should give him notice, and should specify his ground of objection, in the same manner as you have told us you would wish another objector to do?—I think it would be a great improvement that the overseer should be bound to give notice of an objection; but I am not prepared to recommend that the overseer should be bound to state his ground of objection, because it would involve the trouble of very much writing, to which the majority of these men are not accustomed, and definitions to which they are not accustomed. On the other hand, where an objection is made by a political agent, he is quite at home in the definitions of the objection. I would make it enough that the overseer should have a printed circular, and should only have the trouble of sending that circular to the voter.

1976. You would not require the overseer to specify

specify the column against which his attack was directed?—No; I think that it would be too much to ask of him.

1977. Then, in the case of overseers' objections, the voter would be exposed to the inconvenience to which he now is of being obliged to come to the Revising Barrister's Court, and of not knowing what he is to be prepared to meet?—Yes. The overseer acts, as it were, in a judicial capacity, and I think that he may be fairly presumed to be an indifferent party; whereas, if the objection is made by a political partizan, it is right that you should impose strict terms upon such man when he makes an objection.

1978. May an overseer be fairly presumed to be an indifferent party?—I think that it is a fair presumption.

1979. It has been suggested to the Committee, that in the case of objections which go only to the correction of the register, and not to the denial of the vote, a notice should first be given to the elector, calling his attention to the incorrectness of the entry, and requiring him to correct it, under pain of being objected to if he did not. Have you ever considered the practicability of that course?—I should not think it desirable. I think that that is rendering the machinery unnecessarily cumbrous. If you like to attain the same thing by another method, it appears to me that it would be very expedient, namely, to let the voter, when objected to, supply the omission which appears upon the register.

1980. But, in order to enable him to do that, the objection must specify the fault found with his entry?—Just so. I think it is desirable that the party objecting should be bound to state the ground of his objection. If in that notice it appeared that he objected to the residence, or objected to the description of the qualification, I would allow the voter to amend both those particulars by letter to the overseer; the overseer would have to bring that letter to the Revising Barrister, and on producing it before the Revising Barrister, the barrister would treat the claimant as if he stood upon the register in the manner described in the letter.

1981. It has been suggested that corrections in the register might be conducted through some such means as this: that the overseers should be bound annually to furnish all information which they could obtain as to errors in the entries upon the register to the Clerk of the Peace, and that the Clerk of the Peace should thereupon, where necessary, communicate with the electors whose entries were found to be incorrect, and obtain from them the correction, which should then be sanctioned by the Revising Barrister in open court, and that if that plan were adopted, individual objectors should be bound to object only to the qualification of the parties. Have you ever considered the possibility of working such a plan as that?—I have never heard of it until this moment, but it strikes me that such a plan as that is quite impracticable. If you proposed to make the Clerk of the Peace the superintendent, as it were, of the register; it could be done; but to do it you must most materially increase the salary of the Clerk of the Peace, and pay him well for it, because I know precisely the trouble which it would involve. It would involve either his visiting all the parishes within his county, or having the overseers with the rate-book come to him from the parishes, his going over those rate-books carefully with the overseers, going through the description given by the overseer of each claimant's qualification, and making the list as accurate as possible. It would, then, be a list not only made by the overseer, but corrected by the Clerk of the Peace. It is a very great change; and it is one, I should suppose, larger than the Committee might be ready to recommend, and involving more money than people would be disposed to give for such a purpose.

1982. But at present the correction of the register has to be effected through the agency of political parties, or volunteer objectors, has it not?—It has.

1983. Therefore there must be the expense of the correction of the register somewhere?—It is so; but if parties choose to spend their money in their way it is a voluntary act of theirs, and quite a different thing from Parliament sanctioning an increase of fees to the extent throughout England and Wales of probably 100,000*l.* a-year for the purpose of correcting the register. It appears to me that as you have the Revising Barristers with more knowledge of the subject, who are paid expressly for correcting the register, if you somewhat enlarged their duties, they are perfectly competent to do it; they are sent for the special purpose of doing it, and they are now also paid for doing it; but there is this fault in the instructions given to them, namely, that they only interpose in cases where objections are made; if they required the overseer who always brings his books there to go through the list with them they would correct a false description, and they would define every qualification as it ought to be defined upon the information given them by the overseer, and so they would make the register technically accurate. They would be liable to all the mistakes which might arise from a deficiency of information on the part of the overseer, and the parties who were wrongly described by the overseer would still be liable to objection; but I think that the correction of the register would be much more easily made through the Revising Barristers who are really paid for that purpose than through the Clerks of the Peace.

1984. Then would you propose to increase the powers of the Revising Barrister to correct?—Certainly.

1985. What further powers would you give him, beyond what he now possesses?—He now simply takes the objections and deals with the list upon the objections which are made. If the overseer represents that certain people are dead, he strikes out their names; and he also deals with the objections which are made by parties. If you carried it further, and laid it upon him as a duty, to correct the technical description of the qualifications appearing on the register, according to the information furnished by the overseers, and to strike out those cases of which he had no information sufficient to enable him to define the qualification, you would then have as nearly an accurate register as possible, technically considered.

1986. Would not that very much increase the labour of the Revising Barristers?—It would, no doubt.

1987. It would make the sittings of the Court very much longer than they are now?—They would be longer, certainly.

1988. It has been suggested that there would be a saving of expense in printing, and greater accuracy in the register, if, instead of the over-

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seers of each parish, every year, having the old register reprinted, so far as concerns their own parish, they were furnished with a sufficient number of copies from those in the possession of the Clerk of the Peace. What is your opinion of that proposal?—No doubt it would save some expense.

1989. Do you think that that would be a desirable thing to do?—Yes; I think it would.

1990. It has also been suggested that it would be desirable that a copy of the old register should be published on the church doors at the same time as the notices to claim. What is your opinion upon that point?—I think that would be an improvement, unquestionably.

JOHN DEEDES, Esq., called in; and Examined.

J. Deedes, Esq.

1991. *Chairman.*] YOU have, I believe, acted as a Revising Barrister for a considerable period?—I have.

1992. For how many years?—Ever since the appointment of Revising Barristers originally, which was in the year 1832.

1993. You are still acting as a Revising Barrister?—I am still a Revising Barrister.

1994. In what counties have you revised?—I was appointed by Lord Tenterden in the year 1832, upon no application of my own; I should not have presumed to ask for the appointment, but he was kind enough to offer it to me, and he sent me into West Kent; I did not continue after that period in that county. I had personal objections to being in that county. I then went into the county of Essex; I think that, from time to time, I went into each division of the county of Essex. I was afterwards in West Surrey for some years; I have been in Hertfordshire; and, of late, I have been in West Sussex; I have also been in East Sussex.

1995. Then you have had experience of rural parishes and also of parishes, which, like those in Kent and Surrey, are, in a measure, metropolitan parishes?—I have; for although I was not in East Surrey, yet, when I was in West Surrey, one of the heaviest boroughs belonging to the eastern division was at that time given to the Barrister of West Surrey, namely, the Borough of Lambeth.

1996. From your experience, do you think that great evils arise from the unlimited power of objection which is now enjoyed by electors?—I do as to counties, because I think that it operates very hardly upon the parties objected to, that they should have no knowledge whatever of the point which they are to meet. I would illustrate that by a case which occurred before me at Arundel, where an objection was made to the late Duke of Norfolk, when Lord Arundel, who had a freehold rentcharge upon his father's property, and that rentcharge was objected to in a general way; his solicitors from London were obliged to come down to attend my court with a boxfull of deeds, it being impossible to say to what point the objection related. It might have been simply to the Christian name of the late Duke, or it might have been to something equally trifling with that, or it might have been to the merits of the qualification or to the registering of it, or to something, if I may so call it, of substance, as distinguished from form.

1997. Have you any remedy which you would suggest for that state of things?—Whether the objection were made by the overseers in the only mode in which they can make objections; or, whether the objection were made by other parties in the mode in which they are permitted to make their objections, I cannot see that there would be much difficulty in either case in giving to the person objected to an intimation of the point, in respect of which his vote is disputed. I would add that the Committee is aware that at present the mode of objecting by an overseer is the simple prefix of the word "objected" to the name and publication on the church-door. Therefore, he does not furnish the party with any writing further than that which is shown on the face of the list by the simple word "objected." But in the case of other parties there is more to be done, and a good deal more to be done; namely, a written objection to the party himself, a written objection to the overseer, and sometimes a written notice of objection to the occupying tenant whose name appears in the fourth column of the list.

1998. You would propose, then, that the objector should specify the ground of his objection?—I think so.

1999. That would, I presume, render it easier for the Revising Barrister to hold that an objection was groundless or frivolous, and vexatious, than it is now?—I would speak of it rather with reference to lightening the burthen of the person objected to, than as regards any material assistance to the Revising Barrister. I am rather speaking of the hardship put upon the person objected to, that he or his agents have no means whatever of knowing, until the case is actually called on, upon what point the dispute is to be.

2000. But would it not facilitate the proceedings of the Revising Barrister in giving costs against an objector who failed?—It might do so, certainly.

2001. At present an objector makes a general objection, and if he can find any small point in the entry wrong the Revising Barrister is not in a position to say that the objection was groundless, or frivolous and vexatious, is he?—I think that he would not do so.

2002. But if the objector were bound to specify the ground of his objection and he failed in that ground, it would be much easier for the Revising Barrister to decide whether he should give costs against him or not?—Certainly.

2003. And, therefore, not only would the person objected to have the advantage of knowing what objection he was called upon to meet, but he would also be much more likely to obtain costs if he proved himself correct?—That would be so.

2004. In your judgment does much evil arise from persons advancing a claim to a vote who are not really entitled to one?—It does not; I should say, generally, that there is not an inclination, as far as my experience has gone, to put forward unfounded claims. I think that there has more frequently been a disinclination to take the trouble about valid claims where the name has not been on the register.

2005. You, as a Revising Barrister, I presume, have no means of knowing that?—No; excepting

excepting from information from the overseers, who frequently tell you that such a person has succeeded to such a farm, and you say, "Does not he claim as a 50*l.* tenant?" and the answer is, "He has never sent in a claim."

2006. Are all the counties where you have revised counties in which the register has been carefully looked after by political agents on each side?—No, I think not; I should say, that in the county in which I have been revising of late years, namely, West Sussex, the register certainly is not closely looked up.

2007. In a county which is not carefully looked after, where a man advances a claim, and he is not objected to, if there is no political agent, you, as Revising Barrister, of course have no means of knowing whether the claim is a valid one or not?—I have none; I have no power of dealing with it, unless it is objected to.

2008–9. Therefore in counties where there is political apathy, you have no means of knowing whether the claims put forward are well founded claims or not?—I have none. I always insist upon the overseers bringing with them to my court the claims which they have received, and if they do not do so, I frequently do not give them their expenses.

2010. In the vast majority of cases which are brought forward, the Revising Barrister does not give costs, does he?—I should say, that certainly in the vast majority he does not give costs.

2011. I presume that a Revising Barrister is rather chary of giving costs, unless he is clearly called upon to do so, is he not?—I certainly think, that generally he is so. I thought that the case which I have referred to, where a solicitor was brought from London at considerable expense, with almost all the title deeds relating to the property, was a very strong case of hardship.

2012. If the plan which you suggest were adopted, of making an objector specify his ground of objection, do you think that it would be well that costs should follow the decision as a matter of course, or would you leave them as now in the discretion of the Revising Barrister?—I should not be inclined that the costs should follow as a matter of course, because I think that it would not always be quite just that costs should follow the event as a matter of course. Sometimes there might be sufficient ground for investigating a point, and one party, of course, must be successful in the result, but still it might be of such a character, that I think costs ought not to be given against the unsuccessful party.

2013. Do you think that the amount of costs which the Revising Barrister is now able to give is sufficient?—I do not think it is; I think it might be extended, leaving it discretionary with him, of course, as to the amount.

2014. Would you propose to fix an absolute maximum, or would you propose that he should be empowered to award to a man his expenses out of pocket, and compensation for the loss of his time?—I think that any alteration should fix a maximum.

2015. What maximum would you suggest?—I think that it should not exceed 5 *l.*

2016. Has the Revising Barrister, in your opinion, sufficient power to make corrections in the lists which are brought before him?—I think that he has not sufficiently conclusive power in some respects, and I think that a larger power might, without detriment to any person, be conferred upon him, especially with respect to his decision upon the form of claims, upon the form of objections, upon the form of notices, and so on, and that there might be an analogy to what has lately been introduced on that subject at courts of Quarter Sessions, with which, I daresay, several Members of the Committee are conversant, where all decisions upon notices of and several things of that sort, have been made final, and are not allowed to be brought before the superior courts. I think that in some respects, with regard to notices, the decisions of the Revising Barristers might be made final. There are two Acts of Parliament which were lately introduced with reference to appeals which are the 11th & 12th Vict. chap. 31, and the 12th & 13th of Vict. chap. 45. I observe that a great many of the cases which are brought upon appeal before the superior courts turn simply upon the form of the objection, or the form of the notice, or whether it was put into the post at the right time, and matters of that kind, which I call rather matters of form than of the actual merits of the case, namely, the qualification.

2017. In that respect you would alter the law of appeal, as it stands, from the Revising Barrister's decision?—At present the Revising Barrister has to give a case, if he thinks fit, upon matter of law; but whether it was law or fact, upon the mere preliminary matters of notices, I should be inclined to think that his decision might be final, to save the expense of appealing upon minor matters, not going to the merits of the case.

2018. Would you give him greater power of correcting errors than he now possesses?—He has a large power of correcting mere mistakes, under the 40th section; that is to say, an inaccurate description, or an insufficient description of the qualification. I think that the gentleman who preceded me, spoke of giving more full effect to the existing power of the Barrister in that respect; he has powers beyond those conferred upon him, by the person making the objection, whether the overseer or another party. In the case of insufficient description, or in the case of misnomer, he may correct errors; he may not, of course, alter the qualification; he may not substitute one qualification for another; but a qualification insufficiently described, he may correct.

2019. May he correct an error if it is not brought before him by notice of objection?—Yes.

2020. Then you think that his powers are generally sufficient?—I think that his powers generally, in that respect, are sufficient.

2021. And you would not extend his powers to allowing him to substitute one qualification for another?—Certainly not.

2022. Mr. *Collins.*] Do you see any impropriety in giving electors who are objected to the power of making a statutory declaration before a magistrate or a person commissioned to receive evidence in the same way as in proceedings in the Court of Chancery, or in the Court of Probate, to this effect: "I, A. B., am the owner of a property of such and such a value. I hold it in my own right, and not in right of my wife, and it is not subject to charge." Do you see any objection to the barrister receiving such a statement in court as evidence?—I think that some opportunity should be afforded to objecting parties to test the correctness of that affidavit at some time.

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2023. Do you think that it might be taken for what it is worth. Would you go to the admissibility, or merely to the weight of the evidence, supposing that the person was to be liable to the penalty for perjury for making a false declaration?—I think that the party opposing the vote ought to have some opportunity of testing the affidavit previously to its being produced before the Revising Barrister, otherwise if he asked for time to answer the affidavit I do not very well see how it could be denied him by the Revising Barrister.

2024. You are aware, I suppose, that the signature of testators is proved by affidavit?—I am.

2025. Do you think it probable that the occupier, say of a farm of 100*l.* a-year, who made a statutable declaration that he had occupied that farm for two years at a rent of 100*l.* a-year, and who was liable to the penalties for perjury, would make a false declaration?—I should think not.

2026. I daresay from your experience you have found that many persons have been disfranchised through an unwillingness to give up a day to come six or seven miles to the polling-place, whose votes were undoubtedly good?—I have not found it very much in counties, but whenever an application of that kind has been made, I have always acceded to the application to adjourn the case to the next court to be holden, giving the man an opportunity, if he is occupied in business, to come forward and substantiate his claim. But in boroughs I have found that persons will not take the trouble of coming forward at all.

2027. Whose votes you believe to be good?—Undoubtedly.

2028. Mr. *Evans.*] Have you found practically that in very few cases Revising Barristers give costs?—As far as my own experience goes, in very few cases.

2029. I think the limit is now 20*s.*?—Yes.

2030. Has it often happened to you to give costs up to that amount?—No. The applications for costs to me, in the course of my experience, have been very infrequent.

2031. And, generally speaking, when they have been made, they have been to a small amount. You have considered that a small amount would meet the justice of the case?—I have. Perhaps I may be allowed to say, that in West Sussex, in one polling district, at Midhurst, the lists for that district have recently been taken charge of on behalf of the overseers by a gentleman living in the town, and I must say that I have experienced, as the Revising Barrister, the greatest benefit from his supervision; and it has occurred to me whether, inasmuch as the Revising Barrister is obliged to hold a court at every polling place, somebody might not assist the overseers in making out their lists for that polling place. The precept which is at the end of the Act of the 6th Vict. chap. 18, which is issued by the Clerk of the Peace to the overseers, is as full and plain and perfect, in my judgment, as it can possibly be; it contains all the requisites of information. But the overseers, as you well know, in country parishes take heed to few things, and certainly not to that, and when I frequently interfere with them on that account the almost invariable answer is, "I am no scholar." That precept, however, is sent every year and is very full and plain, and in my opinion it would be a great improvement if it could be brought about in some way that the precept, going from the Clerk of the Peace as it does at present, together with the notices and forms as they do at present, to the respective overseers, should afterwards be taken to some such person as I have been speaking of, some agent, whether a professional man or otherwise, for correction in point of form, that they should be brought before the Revising Barrister through the means of this local agent, and that when subsequently revised, settled and signed by the Revising Barrister, they should go back again to the Clerk of the Peace from whom they had in the first instance proceeded. I think that it would prevent this amongst other things; the Clerk of the Peace sends several different forms to the overseers—one is a copy of the existing register—another is a form applicable to new claims—another is a form applicable to objections made by third parties, and the confusion which is made by the country overseers with regard to filling in these several things is so great that in truth it is almost a farce to send these papers to them unless they happen to be near a town. In Chichester again, as I have said with regard to Midhurst, the duties have been taken in hand by some very respectable stationers in the city, and the lists there again in form are very much more correct than they generally are.

2032. *Chairman.*] Then, as I understand, you would suggest that the overseer should have as it were some kind of professional assistance provided to aid him in making out the lists?—I think that it would be very advantageous indeed.

2033. I judge from that, that from your experience you have not found overseers to be in all cases a very competent or a very intelligent set of men?—I have not indeed.

2034. You probably would not agree, then, with the evidence given by the last witness, that they might be entrusted with the duties of registering persons from their judgment, whether they were qualified or not?—I certainly should not.

2035. Mr. *Wynn.*] You said that, during the time that you had acted as Revising Barrister in Sussex, you had very seldom given costs; was that in consequence of any arrangement which had been made between the political associations of the respective parties as to costs?—No; it has not been so. I have not generally been attended by the agents on either side in West Sussex.

2036. Have not the voters been in the habit of asking for costs, in the case of unsuccessful objections?—Not generally.

2037. Have you been in the constant habit, as I believe we all have been, of exceeding the powers given you by statute as to the alteration of the third column?—I have not exceeded the powers that I am aware of.

2038. I refer to the powers given you as to "more accurately defining the description of the qualification?"—I have always adhered, as closely as I could, to the provisions of the Act; I have taken care never to introduce, if I could avoid it, any other qualification, but merely to fully describe the one I supposed to be intended on the face of the register. For instance: a man puts down "house," neither freehold, leasehold, nor copyhold, nor of what nature it is.

2039. And you have added "freehold?"—I have.

2040. You are aware that there is a case which decides that we have no power to do that?—Upon evidence I have sometimes done it.

2041. But you are aware that it has been decided

decided that a Revising Barrister has no power to do so?—I am.

2042. Have you ever had such a qualification as this, "50*l.*" in the third column?—I think I have.

2043. And you have amended it?—I have amended it.

2044. Mr. *Walter.*] Can you state what proportion of objections within your experience have generally been sustained?—The objections in West Sussex since I have been in that part of the country, have usually been made by the overseers, and I should say that by far the greater proportion of them have been sustained. It has been rather a rare thing to have a list of objections made by third parties in West Sussex.

2045. Then they have generally been *bonâ fide* objections?—They have been so.

2046. And that is the reason, I presume, why you have had very few applications for costs?—I think it is.

2047. As a matter of principle, should you hold it to have been the intention of the Legislature, that the objector should stand in a better position than the claimant with respect to costs. Presuming that an objector runs no risk, or a very slight risk, of having costs to pay, and is thereby enabled to bring forward groundless objections, whereas a claimant has the trouble and expense of attending to meet those objections, do you hold that to have been the intention of the Legislature?—I think that as the Act of Parliament stands at present, from which only I can gather the intention of the Legislature, there is a direct power given to an objector by objecting in the general mode in which he can object at present to put the claimant or the person on the register, whatever he may happen to be, through the whole catechism, if I may so call it, of his qualification from beginning to end, because he need not in any way state the ground of his objection or limit its generality.

2048. Then how do you construe the term "groundless" with regard to an objection upon which you are entitled to give costs, as distinguished from "frivolous and vexatious," it being put in the disjunctive; what sense do you attach to the word "groundless"?—It is rather difficult to say. A man is required to state his Christian name and surname; he puts down "John F. Simmons;" his full Christian name should be given. It may be objected to on the ground that he has not given his full Christian name. I could hardly say that that was a groundless objection, because the Act of Parliament has required the name to be put in full.

2049. I am supposing that on whatever ground the objection is made it is not sustained. Does not the fact that you are empowered to give costs for groundless objection, imply that the objector is bound to have good grounds before he makes an objection?—I think that he should.

2050. And, therefore, that the Act does not contemplate merely general objections for captious purposes without any substantial and well-founded ground?—I think that certainly it does not.

2051. In fact, that the law contemplates that on the one hand no voter will claim to be registered unless he has good grounds, and that, on the other hand, no person will object unless he has good grounds, so that both parties should be on equal terms?—Yes.

2052. Would it not, therefore, be a fancied construction of the Act, that any man appearing as a claimant should be a sufferer if he failed to establish his claim, and that, on the other hand, an objector should not be a sufferer if he failed to substantiate his objection?—Although one party must fail, yet I do not think that it would be well to make costs as against the unsuccessful party always follow the event, because there really may be nice cases, and cases fit for discussion; and although one party must fail, yet the case may be a proper matter for investigation, and it would be hard to visit the unsuccessful party with costs.

2053. Would it not stand pretty much on the same footing as that on which the question of costs stands in an action at law, where the judge would have, in most cases, the discretion of refusing costs, but where, as a general rule, he grants costs when the case is groundless?—Generally speaking, in actions at law, the judge has only power to certify in very particular, and, I may say, peculiar cases. A certain amount of money recovered in an action carries costs, but that circumstance does not do so in other kinds of action. But I certainly am strongly of opinion that it might be inequitable always to visit the failing party with costs.

2054. It has been stated, I think, by every registration agent who has given evidence, that these objections are always made for political reasons, with the view of depriving some person of his vote. I presume that the effect of depriving him of his vote, if he has a right to it, would be to do him an injury?—Certainly.

2055. Is it not consistent with your notions of justice, that a man should be punished who attempted to do another man an injury without ground?—I think that it is very difficult to lay down any general rule with regard to objections. If you found that the person objected to had been upon the register unobjected to for a great many years, and was, perhaps, a person living in a distant county, and whose claim was perfectly good and unobjectionable, that would assume the character of an objection made for a political purpose. I should certainly think that in that case it was groundless and vexatious, and I should give costs against the party making it.

2056. In the case of first claims should you hold that the public have a right to bring every new claimant before your court, in order to substantiate his claim to a vote?—No, I think that the present law with respect to that is equally fair upon the new claimant and upon the old registered man; the old registered man may be objected to by simply writing the word "objected" against him; any new claimant may be objected to precisely in the same way by putting "objected" against his name on the church door. Each has the same mode of objection administered to him, if I may so say, and each is bound upon that notice to attend the court.

2057. The political agents who have attended this Committee, have endeavoured to draw a distinction between first and subsequent claims, and have expressed their opinion that costs should be granted in the case of groundless objections, made against established claims, but that they should not be granted in the same way in the case of first claims; should you hold that opinion?—Certainly not. I have read of such a thing, but I have not seen anything like it in the districts in which I have been. I think it exceedingly unfair to call upon a person, merely because he is a first claimant, to establish his claim.

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2058. You think that it is the duty of the objector, before he comes into court, to see that his objection is valid?—I think that it is his duty to do so before he makes his objection.

2059. Viscount *Enfield.*] In your experience, have several persons been objected to in successive years by political parties after they have established their claims?—That used to be much more common than it has been of late. I think that the sending of the copy of the particular register from the Clerk of the Peace to the overseer of each parish has, to a certain extent, corrected that evil. It existed before to a great extent; but inasmuch as the Revising Barrister now sends back to the Clerk of the Peace his list, and the register is made from that list, the names which have been expunged do not appear upon the forthcoming register; when that was not so, the same names which had been objected to frequently appeared in several successive years.

2060. Do you think that it would be possible to put a mark upon the register against the names of those persons who had been objected to, but had once substantiated their claims; that course has been suggested by several witnesses?—There is an objection to a county voter, which I have always thought is not quite in the same category with others, namely, the objection which may be made to him merely because he has changed his place of abode.

2061. I am supposing that the entry upon the register remains precisely the same, in every respect, as regards the name, the place of abode, and the qualification?—I should think that there would be no difficulty in showing, upon the face of the register, in some way or another, which names upon that register had been before the Revising Barrister.

2062. For instance, "Objected to; substantiated his claim." Do you not think that possible?—A mere asterisk, I should think, would be sufficient.

2063. That would be a sort of protection to the voter?—I think that it might be.

2064. Do you think it possible that all notices of claim received by the overseer could be forwarded to the Clerk of the Peace, and the list be made out by him?—The time at present given under the Act of Parliament with regard to the notices of claim commences very early, I think it is as early as the 10th of June, at which time the overseers give out their lists of notices. The only difficulty which would occur to me would be the time which would necessarily be required for getting the fresh claims to the Clerk of the Peace, which he would probably issue with the copy of the register for that particular parish.

2065. But supposing that there was time enough, you do not see any objection to the Clerk of the Peace superintending in that way the work of the overseer?—No; but I think it might be more conveniently done by an agent for each polling district.

2066. Assisting the overseer in the way which you have suggested?—Yes.

2067. Then you would be averse to the Clerk of the Peace having any work of that description given to him in addition to his other duties?—I think that it would be a considerable increase of labour to him.

2068. Would not the suggestion which you have made with regard to assistance to the overseers cause a considerable expense in large counties, where there are a great many polling districts, as, for instance, the West Riding of Yorkshire and South Lancashire?—It would of course be a matter for consideration how that expense should be met, and the expense would be something considerable.

2069. Have you at all thought how you would provide for that expense?—No.

2070. I suppose that any addition to the county rate would not be very palatable?—I suppose not.

2071. Then it would be left, in point of fact, as it is now, to political organisation?—Yes, unless it was made a part of the machinery of the Act, and unless the expenses of it were provided for in the same way as they are now; that is to say, the expenses of the Clerk of the Peace and some other officers. There are no expenses of overseers allowed by the Act now, except as they are provided for by the Revising Barrister.

2072. *Chairman.*] Have you ever found any difficulty in preserving order in your court?—I have.

2073. Do you consider that the Revising Barrister has not sufficient power now for that purpose?—I can hardly say that. I apprehend that it is part of the power of every court to keep order in the court; and as far as regards removing persons who insist on interrupting the business, I should apprehend that that power would rest with the Revising Barrister.

2074. You do not consider that any alteration is requisite in that respect?—No, I have not seen that it is.

2074. Mr. *Wynn.*] Have you not for several successive years been revising the same district?—I have.

2076. Has it ever come within your knowledge that your certificate of costs to an overseer of the preceding year has been objected to by the Poor Law auditor?—I have never heard that it has. I do not recollect an instance of it.

Martis, 15° *die Martii*, 1864.

PRESENT:

Mr. Sclater-Booth.
Mr. H. A. Bruce.
Sir Edward Colebrooke.
Mr. Collins.
Mr. Dodson.
Mr. Algernon Egerton.
Viscount Enfield.
Mr. Evans.
Mr. Hunt.
Mr. Locke King.
Mr. Longfield.
Mr. Walter.
Mr. Charles Wynn.

JOHN GEORGE DODSON, Esq., in the Chair.

BURROWES SHARKEY, Esq., called in; and Examined.

B. Sharkey, Esq. — 15 March 1864.

2077. *Chairman.*] I BELIEVE that you have been concerned in registration in Ireland?—I have been.

2078. For what counties?—The county of Dublin, the county of Roscommon, and the borough of Athlone.

2079. Were you concerned as a registration agent?—I was in Athlone, Roscommon, and also in Dublin.

2080. Will you be good enough to state to the Committee, what is the process by which a voter in Ireland gets his name put upon the Register?—The Registration Act in force in Ireland is the 13th & 14th of Vict. chap. 69, and it is, I think, moulded very much upon the English Act of the 6th of Vict. chap. 18; under that Act ("in addition to those now qualified by law to register in virtue of any qualification, not requiring occupation") every male person of full age, and not subject to legal incapacity, occupying lands of the net annual value of 12 *l.*, and rated to the payment of poor's rates under the last made rate as occupier, is declared to be entitled to vote at elections for Members of Parliament, provided he is registered in the manner pointed out by that Act.

2081. Is there any other qualification besides that which you have mentioned?—Yes; but perhaps I had better take, in the first instance, that which is the most general form of franchise in Ireland, namely, the occupation franchise, and go through with that, and then inform the Committee upon any other qualification which entitles a person to be placed upon the register.

2082. Will you inform us of the process by which those occupation voters become registered?—A person declared to be entitled to be a voter in respect to an occupation franchise, must have occupied for 12 months previous to the 20th of July in each year the lands or tenements in respect to which he seeks the qualification, and he must also in respect of those lands have paid on or before the 1st of July in that year the poor's rates due to the 1st of January previous. Those are the two conditions which must be performed to entitle him to be registered, namely, occupation for 12 months and payment of poor's rates. The machinery by which the registration is carried on, and the register of voters produced, is as follows: On or before the 1st of June (and when I speak of dates I wish the Committee to understand that it is *on or before* the particular date mentioned) the Clerk of the Peace of the county delivers to the clerk of each union, comprising any portion of a barony in that county, his precept, and a copy of so much of the register of voters for the county then in force as relates to that portion of the county which is situate within that union. In addition, he delivers one or more printed forms, which will be found in the Appendix to this Act, and which are, I may say, *ipsissima verba*, the same forms as are in the English Act. On the 8th of July the clerk of the union makes objections to the names of persons appearing on that copy of the register so given to him previously by the Clerk of the Peace in the manner following, viz.: if the person appearing on that list is not rated in the then last poor's rate as the occupier of the premises in respect to which he seeks the qualification, or if that occupier shall not have paid the poor's rates before the 1st of July, due on the 1st January previous; or if he has reasonable cause to believe such person not to be or to have ceased to be occupier, or not to have been occupier during the whole period of the 12 months from the previous 20th of July; or if he has reasonable cause to believe such person not to be entitled to have his name upon the register then next to be made. This latter power of objections is very comprehensive. Having made those objections, the clerk of the union, on or before the 8th of that month of July, verifies, on oath, before a magistrate, copy of the register and the additions which he has made to it. The additions consist, in each case, of the word "objected" being added on the margin of the list opposite each voter's name objected to. The word "objected" the Statute calls an addition, and I use the language of the Act. The oath which he is to make is pointed out by the 19th Section of the Act; "and such copies of register shall be signed by such respective clerk of the union, and shall be verified by him as true and correct, according to the best of his belief, by an oath to be made by him before

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some Justice of the Peace in and for the said county," which oath the Justice is bound to administer, and the Justice is to certify at the foot of the copy of the register the taking of such oath.

2083. Does the verification before the Justice consist simply of an oath taken by the clerk of the union that to the best of his belief the objections which he has made are correct, or does he substantiate those objections by giving any evidence?—It is only that, to the best of his belief, the copy of the register signed by him, and on which he made his objections, is true and correct.

2084. Is the clerk of the union authorised to add to the list the names of persons who he considers have become entitled as new voters?—No; but you will find that the next step to which I will advert provides for that. His affidavit in effect goes to the length of verifying the correctness of the marginal additions, that is to say, the word "objected."

2085. Does he state in his objection the ground of his objection?—No; the copy of the register sent to him is printed, and in the margin of it there is a column headed "Clerk of union's objection."

2086. Does he send a notice to the house of the person objected to?—No; this is the form in which it is done: "Column for entering the clerk of the union's objections," and that merely consists of the word "objected" being written opposite the voter's name. Having made those objections, and verified them upon oath, he then, on or before the same 8th of July, makes out and transmits with the copy of the register a document which the Statute calls a "Supplemental List." That supplemental list contains the name of every male of full age not on the then existing register of voters, rated in the last rate as the occupier of lands of the net annual value of 12*l.*, excluding, however, from that list all occupiers who have not, on or before the 1st of July, paid all poor's rates due in respect of the premises for which the franchise is sought the 1st of January previous; following the same periods throughout. The Committee may, perhaps, wish to know how it is that the clerk of the union is in a position to obtain that information. A copy of the poor law valuation, as it was formerly called, and what is now known as the tenement valuation, is deposited with him in his union for the collection of rates, gives him the information as to who are the rated occupiers, and the poor's rates being collected through him, as the officer of the guardians, he is from week to week informed of the persons who pay or do not pay their poor's rates. He thus has at his hand the information to enable him to comply with those requirements of the Statute.

2087. He is bound to act upon the information contained in the rate-book?—It is made *primâ facie* evidence.

2088. Is he at liberty to make use of any information which he may possess which he may accidentally have derived from other sources?—He has certain power under the Act of exercising his judgment in obtaining information upon any of the points upon which information is required, and of acting upon it. There is given to him, as I have previously mentioned, a very large power of objecting if he has reasonable cause to believe a person not to be entitled to have his name continued on the register or inserted on the supplemental list; that is a very large power; he has the aid and assistance which the valuation and the poor's rate collector's returns give him to comply with the requirements of the Statute.

2089. Has he the same right of exercising his own judgment in putting persons on the supplemental list as he has of objecting?—No, he has not; his discretion is completely narrowed to persons who are upon the register then in force, or who, not being upon that register, are rated in the last made rate in his union.

2090. Mr. *Longfield.*] The Clerk of the Peace and the union officer, as to all voters who derive the franchise in right of occupation, are the persons who move in forming the register?—The Clerk of the Peace, in respect to the occupation franchise, has no jurisdiction to object; that duty is cast exclusively on the union officer.

2091. But between them both they make out the lists?—They do. Then the clerk of the union, as I have mentioned, transmits this copy of the register and the supplemental list to the Clerk of the Peace. The next step is, that on the 20th of July the Clerk of the Peace enters on the copy of the register, after due inquiry made by him, objections to persons whose qualifications are other than a rated occupation, that is to say, the clerk of the union, who is supposed to have the best knowledge of local circumstances, objects to the occupation franchise; and the Clerk of the Peace, who is supposed to have the best information as to all other franchises, objects to the other franchises, such as a 50*l.* freehold, an estate in fee, equitable or legal, and so on; the numerous franchises which are created under the Reform Act, and under this Act.

2092. *Chairman.*] Those are owners who do not occupy their property?—Yes; and tenants in tail, having a fee-simple estate of the annual value of 5*l.* and rated to the relief of the poor. Then, on the 22d of July, the Clerk of the Peace publishes the whole of those lists, that is to say, the copy of the register with the word "objected" in the margin, and the supplemental list; he publishes then throughout the barony at the different police stations, at the churches, chapels, and the places appointed for the posting of public notices.

2093. Does the Clerk of the Peace when he objects to an owner send a notice of that objection?—No. As I shall afterwards explain, there are three forms of objection. On or before that same 22d of July, the Clerk of the Peace having published those lists, publishes also a notice requiring all persons who do not find their names on the copy of the register, or on the supplement list, to send in a claim to him (in a form which he gives, and which is given in the Act), on or before the 4th of August. Then persons whose names are not on that list, or on that copy of the register, or who wish their qualification as appearing upon that list or register, or their place of residence to be changed, send in a claim giving the information which the form of claim requires.

2094. Then persons who claim in virtue of ownership do not get registered unless they advance their own claim?—Not, in the first instance; but once they get on the register they remain there until removed by an objection being made and sustained against them.

2095. I understood that that applied only to persons who were occupiers?—Yes.

2096. But in the case of non-occupying owners, they do not get registered unless they make

make their own claim?—Certainly not, except as explained in a previous answer.

2097. Mr. *Longfield.*] I thought you said that the Clerks of the Peace sent in names to the best of their ability of persons with non-occupation franchises?—No. If a person claims a non-occupation franchise he sends in a claim.

2098. But if the Clerk of the Peace, for instance, knows grand jurors or county jurors who are non-occupants, cannot he send in their names?—No; he has no jurisdiction: he has the power of objecting, but not the power to send in the names. If a person claiming a non-occupation franchise wishes to appear upon the register, he is bound to make a claim and send it in, and the Clerk of the Peace then is bound to put him on, and if he has reasonable cause to believe that the person is not entitled, he writes the word "objected" opposite his name in the list of claimants.

2099. Then, in truth, the only part of the Irish system which is self-acting is that which relates to the occupation franchise?—Yes; and that is as near a perfect self-acting system of registration as it can well be. I am aware of the system in England; and although this Irish Act follows very closely upon the principle of the English Act, yet, owing to the absence of the poor-law valuation in counties in England, there will always be a difference.

2100. *Chairman.*] The claims are sent in on the 4th of August?—Yes. Then, on the 9th of August, the Clerk of the Peace makes out a list of claimants; and if he has reasonable cause to object to any name appearing upon that list, he, in like manner, adds opposite the name the word "objected;" and, on or before the 11th of August, publishes, in the same manner as I before adverted to, the list of claimants in the barony. The next step is on the 20th of August; and on or before that day, notices of objection are given to any person's names appearing on the list of voters; that is the language of the Act.

2100*. Then what comprises the list of voters?—The copy of the register, the supplemental list, and the list of claimants; those three together comprise what is called in the Act the list of voters for the county.

2101. Mr. *Longfield.*] Who gives the notice of objection to them?—Any person appearing upon the register then in force; he must have the franchise and be a registered voter in order to object. There are three persons who can object; the clerk of the union, who objects in his official capacity by adding the word "objected" opposite each name; the Clerk of the Peace, who objects in like manner; and the registered voter, who objects by a notice in writing. If a registered voter objects, on or before the 20th of August, he delivers or causes to be delivered, to the Clerk of the Peace for the county, a form of objection, which is in effect, "I object to the name of So-and-so appearing upon the list of voters for the county of ," the same form of objection that is given in England. He signs it, and delivers a copy, as I have mentioned, to the Clerk of the Peace. In addition, he delivers, or causes to be delivered, a copy of that form of objection to the person objected to: the form of objection given to the person objected to is very meagre indeed as to the information it gives, much more so than the notice which is given to the Clerk of the Peace, as you will find by referring to the form in the schedule. The notice of objection to be given to the party objected to is, "To Mr. So-and-so: Take notice that I object to your name being retained in the list for this barony, of voters for the county of ; dated this ."

2102. Does the self-acting system in Ireland tend to diminish the number of objections to voters?—It does; but I think that objections would still further be diminished if there was an alteration in the law, which I will venture to submit to the Committee.

2103. *Chairman.*] Are these objections afterwards published?—Yes; on or before the 22d of August, the Clerk of the Peace makes out and publishes in the different baronies a list of the persons against whom objections have been made; that is the last list which is published, and when that is done then it may be said that matters are ripe for investigation before the Revising Barrister.

2104. What proportion in Ireland do the voters who vote in virtue of occupation bear to those who vote in virtue of ownership and apart from occupation?—The difference is so great that, without pledging myself to accuracy, I should say that the proportion is that of 90 to 100.

2105. I understand you to say that the clerk of the union is not authorised to strike out from the register persons whom he conceives have become disqualified, but that he objects to them?—He has no power to interfere with the register beyond the mere adding of the word "objected;" that raises a question as to the person's right, which forms a subject for consideration before the Revising Barrister at a subsequent stage of the proceedings.

2106. How is the register revised?—Matters being thus ripe for the Revising Barrister, the Clerk of the Peace, on or before the 25th of August, sends an abstract of all those lists to the barrister, in order that he may appoint a convenient time for the revision courts. The courts being appointed, the Barrister proceeds in the first instance to revise the copy of the register. If the Clerk of the Peace has objected to any person appearing upon it, he is not bound to do more than produce the list with the word "objected" upon it; but if a third person has objected, he is bound to prove two things, namely, that he signed the notice, and that he caused it to be delivered to the voter. Having done that, the onus of proof to have the name retained on the list is thrown upon the voter.

2107. Then, if he does not appear, his name is struck off?—Yes; in those cases the voters are disfranchised upon the mere proving of the signature to the notice, and of the notice having been delivered to the voter.

2108. If the claimant fails to make good his claim is he subjected to costs?—The law makes him subject to them, but in practice that is very seldom resorted to.

2109. Is it held that the objector has made good his objection if he has caused any alteration whatever to be made in the register?—That is a question which has been the subject of various decision; and it therefore involves a very long answer.

2110. Is the law generally as regards costs the same as in England?—I think that the section is copied from the English statute.

2111. Mr. *Longfield.*] Are the great majority of objections what you may call official objections?—The great majority are official objections.

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2112. And are the great majority of those official objections well founded, being taken from the rate-books?—I think that they are, as it is a fair presumption that every official does his duty.

2113. Those officers have official evidence?—Yes, they have the evidence of the rate-books.

2114. The result seems to be that the occupation franchise is self-acting both as regards putting on and taking off names from the register?—It is as nearly as possible self-acting, but it would be still more so if an amendment of the law took place by which the onus of proof, instead of (as it is at present) being cast upon the voter who has his name upon the register or list of voters was put upon the person objecting.

2115. But so far as the occupation franchise (which is nine-tenths of the franchise actually exerted in Ireland) is concerned, the system of registration is official and self-acting, both as to originally placing the names upon the register, and taking them off by official evidence?—Certainly.

2116. Is it not the case that the official objections have the effect of striking off the names, because they are made from official documents which cannot err, and they are brought before the barrister, and he strikes the names off?—The effect of the official objection is to call the Revising Barrister's attention to the case; and if the party objected to attends, and hearing from the officer the ground of objection he must either negative the case made against him by the Clerk of the Peace, or submit to have his name struck off.

2117. Mr. *Hunt.*] In Ireland, as I understand by the Registration Act of the 13th and 14th Vict. c. 69, rating is an essential part of the qualification even of owners?—Certain owners—owners claiming to be rated as occupiers; an owner may be an occupier.

2118. The 2d clause of the Act says, "That every male person of full age, and not subject to any legal incapacity, who shall be seized of, or entitled for his own use to, any estate legal or equitable, in fee-simple or fee-tail, or for his own life (such tenant for life not being a lessee or assignee of a lessee, or an under-lessee) or of, or to, any estate of freehold for lives renewable for ever, or estate *quasi* in tail of such freehold in any lands, tenements, or hereditaments which shall be rated in the last rate for the time being, under the said Acts for the more effectual relief of the destitute poor in Ireland, at the net annual value of 5 *l.* or upwards, and shall be to the person so seized or entitled of the net annual value of 5 *l.* at the least above all charges" (and so on) "shall if duly registered" (and so on) "be entitled to vote?"—Yes.

2119. Therefore the rating of the subject of the qualification is an essential ingredient even in the case of owners?—In the case of owners who come within that section, that is to say, owners in fee, or *quasi fee*, or having an equitable estate in fee to the value of 5 *l.* in the lands in respect of which that qualification is sought, they must be rated.

2120. There is an essential difference between the county franchise in Ireland in that respect and the county franchise in England?—There is in that as well as in many other respects.

2121. And by reason of that distinction the rate-books in Ireland furnish information to the Clerks of the Union which the rate-books in England do not furnish to any official for the same purpose?—Yes.

2122. Do you find that in Ireland, with the system which you have of official objections both by the Clerks of the Unions and the Clerks of the Peace, objections are made to any extent by independent persons?—As a rule it is not so, except in such counties as Dublin, where the numbers of voters supporting different political principles are very nearly balanced.

2123. Is it found necessary in Ireland by political parties to have an electioneering agent, for the purpose of keeping the register accurate, as against the other side?—By no means to the extent that it is in England; and I may say, that the rule is not to have a registration agent in counties.

2124. You have sufficient acquaintance with the counties of Ireland to be able to state that that is the general rule?—I have a very general acquaintance with Ireland, and with the system of registration throughout the boroughs and counties in Ireland.

2125. Are the duties which are entrusted to the Clerk of the Peace with regard to registration new duties created by the Act of 1850?—They are.

2126. When that Act came into force, was any addition made to the emoluments or salaries of the Clerks of the Peace with regard to those new duties?—In the counties with which I am more particularly acquainted (namely, Roscommon, Galway, Mayo, the western part of Ireland), I can answer no to that question. That is to say, there was no permanent addition or increase to their salaries: but each year the expense of printing, and of clerks in making out those various lists, and of postage paid, and the expense incurred in publishing, and all attendant expenses, of giving effect to this statute, are laid before a tribunal in Ireland, called the County-at-large Presentment Sessions; and the account is there investigated by the assembled magistrates and ratepayers of the county, and in most cases an application for the amount applied for is approved, and at the succeeding Assizes, a presentment is invariably made for the amount approved of at sessions.

2127. Can you give us any information as to the amount?—There is no sum included in that amount to remunerate the Clerk of the Peace for his services, or for his own time and trouble.

2128. But as regards the incidental expenses of the work which falls upon him in that capacity, are you able to give us any information as to what the cost is in any particular county?—Yes. In Roscommon the printing is done by contract; and the expense of the printing of the lists and register and all other printing there, for the last three or four years, may fairly be averaged at about 60 *l.* a-year, and for the other expenses the sum may be taken at about 30 *l.*; that would make the cost annually 90 *l.*

2129. What is the number of the constituency?—The number of the constituency in Roscommon is over 2,400, and Roscommon is what is known in Ireland as a second-class county.

2130. There is in the Irish Registration Act a clause, making the Revising Barrister's Court a Court of Record, and enabling the barrister not only to fine the Clerk of the Peace or the Under Sheriff, if guilty of any breach of duty in the execution of the Act, in any sum not exceeding 5 *l.*, but also "to fine, in any sum not exceeding 2 *l.*, or to commit to prison for any time not exceeding

exceeding one fortnight, any person who shall disturb the said court, or shall be guilty of any other contempt of the said court?"—Yes.

2131. Have you ever known that latter power put in force?—I never knew an instance in which any of those powers have been put in force in counties. I will not be so accurate as to boroughs. I think that in one instance I recollect a Borough Registration Court being adjourned in consequence of some disturbance, but in counties I never knew an instance in which any of the powers to which the Honourable Member has referred were put in force. *B. Sharkey, Esq.* 15 March 1864.

2132. Is order well kept in these courts?—A registration court in a county in Ireland is, perhaps, about one of the dullest places which you can well imagine; there are scarcely any persons present other than the Assistant Barrister and the officials concerned.

2133. Mr. *Sclater-Booth.*] Are the polling districts and the unions in Ireland conterminous?—No; they are not.

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2134. *Chairman.*] On your last examination you recommended that the overseers should put the names on the register?—Yes. *R. Baxter, Esq.*

2135. You do not propose that they should exercise the converse power of leaving out names where they have reason to suppose that persons have become disqualified?—I think not. I think that can only be done by the Revising Barrister. The overseers have power now to object, and they must state the ground of their objection before the Revising Barrister, and if he considers it right, he will strike off the name.

2136. Mr. *Hunt.*] Under the present law the overseers are required to object to all persons on the register, who, according to their knowledge and belief, have lost their qualification, are they not?—Yes; that is the state of the law.

2137. Do you find that overseers in practice make such objections so as to clear the register of all bad votes?—No; by no means, as a general rule.

2138. What reason have you for supposing that if they do not put the law in force with regard to objections, they would be able to put your proposed law in force with regard to registering claimants?—My proposal is that the lists should be laid by them before the Revising Barrister, and that the Revising Barrister should go through the list of claimants with the overseer, having full discretion to strike out any person, with respect to whom the overseer does not give him, in his judgment, sufficient ground for putting him upon the register; and I think that the necessity for the overseer's being prepared to do that will keep him up to his duty.

2139. That is as regards all persons whom he has put on, but who ought not to be put on?—Yes.

2140. But my question was this: If, from the knowledge which he has now, the duty being cast upon him, you do not find that he objects to persons on the register who have lost their qualification, why do you think that there will be a distinction in favour of his discharging the new duty which you cast upon him of putting persons on the register who are not now on, and whom he knows to have qualifications?—I think that the present negligence rises merely from inadvertence; he does not remember that it is his duty to clear the register of persons who have lost their qualification; but, as in the case of a borough, he would be told by his predecessor, that it was his duty to put on all claimants who were entitled to be registered. The Barrister would remind him of that duty, and ask him for the list of new claimants which he had put on, and go through that list of new claimants with him.

2141. With regard to all the persons whom he had put on, the barrister would be able to ascertain whether he had put them on rightly; but how would you ensure that he would put on all those who ought to be on?—You do not insure it.

2142. Why do you think that it is probable that he would be vigilant in putting on all those who ought to be on when he is not, by your own statement, vigilant in objecting to all those who ought to be off?—I think that he will understand that it is a regular part of his duty to put on parties entitled if he is asked about it, and required to go into it, by the Revising Barrister; but at present the practice of Revising Barristers is merely confined to dealing with the names against which "objected" is put, and with the names which are objected to by third parties; the barrister merely looks at the list and sees the word "objected" put by the overseer and deals with that, and does not trouble himself in the slightest degreee about the correctness of the list in any other respect; whereas, under the system which I propose, it would be part of the Revising Barrister's duty to make the whole list technically correct, and to go through the new claims with the overseer.

2143. That I understand; but you do not meet the difficulty which I raise, namely, that, though the barrister might be able to purge the list supplied him by the overseer of persons whose names ought not to be on that list, it does not provide for putting on persons who ought to be on?—No; I do not think that you can possibly meet that difficulty. There is no doubt that the lists will be deficient, do what you will. All the claimants now will not claim so as to make the list perfect; and by the plan which I suggest the overseer does not make it perfect by putting all the names on; but to whatever extent the overseer puts names on, to that extent the parties are relieved from the trouble of claiming.

2144. You say that now the overseer does not object through inadvertance; are you aware that in every year the precept from the Clerk of the Peace directly calls the attention of the overseer to that particular point in these words, "If you have reasonable cause to believe that any person so claiming, or any person whose name shall appear in the copy of the register for your parish (or township) herewith sent, is not entitled to have his name on the new register about to be made, you are to add the word 'objected' before his name in the margin of the copy of the register or list in which his name appears?"—I am aware that that is in the precept.

2145. But notwithstanding that annual notice, you find that overseers fail in their duties with regard to objecting to persons who, they ought

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to know, have no proper qualification?—It is so, certainly.

2146. With regard to placing persons on the list through the information which is supplied to the overseer by the rate-books, and by ordinary sources of information, do you think that overseers in country parishes are competent to put on the generality of persons?—Although I think that they are not so competent as town overseers in point of general intelligence, yet I think that they are more competent, from their local knowledge (for the local knowledge of the overseers in country parishes is almost perfect) they will tell you to whom every estate belongs.

2147. Granting that they know all the facts, do you suppose that they have a sufficient knowledge of law to know whether persons ought to be on the register, or that, having a sufficient knowledge of law, they are able to apply the law to those facts?—I think that they will make mistakes; but I think that every overseer has two things in his mind, first that a 40*s.* freeholder is entitled to be registered, and next, that a 50*l.* occupier is entitled to be registered, and that copyholders and leaseholders are also entitled.

2148. Supposing, for the sake of argument, that he would be able to put on all the 40*s.* freeholders and all the 50*l.* rent-payers, do you think that a country overseer would be able to appreciate the distinction between these three kinds of franchise, the lessee or assignee of the residue of a term of 60 years, whether occupying or not, of the value of 10*l.*, the lessee or assignee of the residue of a term of 20 years, whether occupying or not, of the value of 50*l.*, the sub-lessee or assignee of an under-lease, if in actual occupation, do you think that he would appreciate the distinction between these three classes of leaseholders?—Speaking generally, I should say that he would not.

2149. With regard to a simple freehold, held in fee, I suppose that, in many cases, the owner might be either a minor, or the trustees of the estate might be put down in the owner's column?—In many cases it might be so.

2150. Do you think that county overseers would have a sufficient knowledge of the law to know whether those trustees were entitled to vote or not, during the minority of the owner?—I think that they would. They would know whether the owner of the property was of age; that would be a matter of tradition; and they would know generally that a trustee has no right to vote.

2151. With regard to 40*s.* freeholders; is not one of the points, most often contested in the Revising Barristers' Courts, whether the owner of a bit of land, which has been bought by a building society, is entitled to the franchise?—Yes; that is a very frequent matter of dispute.

2152. And one decision in that class of cases will sometimes strike off or put on the register 100 votes, will it not?—Yes.

2153. And the question there often turns as to the sufficiency of the value down to one shilling or sixpence, does it not?—It generally turns upon the sufficiency of value.

2154. Down to a very small sum?—Yes.

2155. There will frequently be a question whether the property is of the value of 39*s.* 6*d.* or 40*s.*, will there not?—Yes.

2156. And the decision upon that point will govern the whole class of voters?—It is so.

2157. Would the overseer, from the rate-book or any other source of information, have any guide in a parish where a building society had bought a piece of land and divided it into plots, and endeavoured to create a number of votes, as to whether he ought to put the persons to whom those plots were allotted on the register or not?—He would not know the number of owners in such a case as that; but that is precisely the case in which a wholesale claim is sure to be made, and a wholesale objection.

2158. You think that that is a case where the action of the overseer would not be called into operation, but that the parties themselves would make the claim, and would of course be objected to?—I think so. I think that the necessity for the overseer's interposition there is very slight indeed. The parties in those building societies always take care of themselves.

2159. Supposing that your suggestions for a self-acting registration by means of the overseer or other official were carried into effect, I understand that you do not see your way to getting rid of the present system of objections by persons interested in keeping the register pure, as against their political opponents?—No; it is impossible to get rid of it. What I propose as regards the overseer will not make the register perfect. There is no system which human ingenuity can devise which will make the register perfect. Carelessness on the one hand, a desire to be registered on the other, and a desire to object to unqualified persons, will always continue, and always prevent the register being in a satisfactory state.

2160. Mr. *Collins.*] The substance of your evidence is this, that though a self-acting machinery for owners and occupiers would not make the lists perfect, yet at the same time it would be a vast improvement upon the present system?—I think so, indeed.

2161. I dare say you think that in the case of occupiers, the overseers would place on the list nine-tenths of the persons qualified under the Chandos Clause?—Yes; I feel confident that that would be the case as regards that particular qualification.

2162. And in the case of owners, perhaps, something like four-fifths?—I think so.

2163. I mean 40*s.* freeholders, or 10*l.* copyholders?—Yes; I think that they would put on the owners as the owners of estates appearing upon their rate-books in the parish, and it would be for parties to object to them if they thought them disqualified.

2164. With reference to persons claiming in right of rentcharges, or as leaseholders, supposing that the occupiers, and the freeholders, and the copyholders were registered under your system, they would not be in a worse position because the others had been placed in a better position?—That is exactly the case.

2165. In boroughs, I believe, the machinery is entirely self-acting?—It is so.

2166. But still the vigilance of political societies is required in order to see that the overseer has not, through inadvertence or through fraud, omitted any person who has a right to be placed upon the list, or inserted any person who has been wrongfully placed upon the list?—That is the case in boroughs at present.

2167. In boroughs, supposing a rate to be laid in May and another rate to be laid in October, the overseer would have no knowledge from his rate-book, whether a person who was on the October rate

rate was or was not qualified to be placed upon the register; he would not know from his rate-book whether that person came on the 1st of August or after the 1st of August, supposing the rate to have been laid between May and October? —The rate-book alone would not show it, but he must make inquiry.

2168. He would import other sources of knowledge than the rate-book?—Yes.

2169. Is not that constantly done in boroughs? —I think so.

2170. Must it not be done in boroughs where rates are made twice a year?—I think so; if you expect the overseer to put on the names, unless you confine him by Act of Parliament to putting on persons who are rated to the extent of a certain rateable value, he must make use of all the information which he possesses.

2171. Have you ever heard complaints of partisanship on the part of overseers in making out the borough lists?—Very often; and in counties also.

2172. But in boroughs there is a power to claim in case of omission, or to object in case of improper insertion?—Yes.

2173. You would apply the same power in counties which now exists in boroughs, supposing that the overseer did not put on a person who was duly qualified?—Certainly; you must not take away the power of claiming; otherwise you would make the register very much more imperfect than it is at present.

2174. Therefore the substance of your examination is, that you would have a better list to start with than you have at present?—To the extent to which the overseer put on claims he would relieve parties from the necessity of claiming. I believe that, with the growth of intelligence, and with the habit of putting on claims from year to year, corrected by the Revising Barrister, it would ultimately grow into something like a correct list.

2175. The overseer at present makes a great many objections in counties?—He does.

2176. And, therefore, although he does not object to all that he ought to object to, the list is to a great extent purified by the objecting power which is given by the Act to the overseer?—It is so.

2177. Do you not think that the effect of the overseers being entitled to place properly qualified persons on the register would be, that if they failed to do so, the Revising Barrister in Court, when a person made his claim, would say to the overseer, "Why did you not put this person on? why did you give him the trouble of coming here?"—Certainly; I think that the supervision of the Revising Barrister would ultimately lead to very great accuracy on the part of the overseers, and also correct any partisanship which might be evinced.

2178. Would you, as in the case of boroughs, give a later date for the persons who were omitted from the overseer's list to claim?—I think that that should be done if the system is extended to counties, and that it should follow the boroughs in that respect.

2179. The consequence of which would be, that every person who was not put on by the overseer, whether objected to or not, would have to be prepared to prove his vote?—Yes; I think that it would be fair to take the borough rule in counties in that respect, and to let the claimant who is omitted by the overseer prove his claim.

2180. Therefore, in all cases where the overseer had not put on an elector, the claimant would have to come into court and prove his vote?—Yes.

2181. Which is at present the case with respect to electors who are omitted in boroughs?—It is so.

2182. Therefore no person then could come on the register unless either he was put on by the overseer, or he substantiated his claim in court? —That would be the effect.

2183. Would not that reduce the number of fictitious or fraudulent claims which might be made?—Yes; it would have that tendency.

2184. Because then no person could be an elector without either being placed on the list officially, or himself substantiating his claim?—Yes. I think that it would not be wise, if you leave the matter as it is, to require new claimants to make a solemn declaration, and to describe their qualification, but I think that if the system were changed, and the overseer were expected to put all parties qualified on the register, you might then fairly allow a claimant, instead of coming up personally to prove his claim before the Revising Barrister, to make a solemn declaration before a magistrate, or a Master in Chancery of the particulars of his qualification. That declaration would be liable to be contradicted in the Revising Barrister's Court, but if not contradicted, it would establish his claim.

2185. Would you make it permissive?—Certainly, that a man might either come up to establish his claim if it was more convenient, or might send with his claim a solemn declaration describing the particulars of his qualification. It would be very inconvenient for a party residing 100 miles off personally to attend, or perhaps to send his agent, and he would make with more facility a solemn declaration.

2186. Supposing that the system of self-acting registration was carried out, would you compel every person who claimed either to send with his claim some document in support of it, or to come himself?—I think that that would work better than any other system.

2187. Would you require that documentary evidence to be sent at the time of making his claim, or at the time of substantiating it before the Revising Barrister?—I think that he should have the option of either attending personally or making a declaration.

2188. The declaration, then, would be sent in not at the time of his sending in the claim to the overseer, but at the time of his substantiating the claims before the Court?—Yes.

2189. *Chairman.*] When you were examined before, I put to you the following question: "Would you propose to continue the existing law of claims as it is, and allow a man to obtain a vote by his bare claim, or would you require a new claimant to give some *primâ facie* evidence to substantiate his claim?" Your answer was, "I think, that I would allow him to claim, as it stands at present. I think the proposition that he should accompany his claim with some evidence of his being entitled to the claim is an impracticable thing. There is difficulty enough to get a man to make a claim now, and if he had to do anything else besides, it would never be done. He makes a claim on the list, and it is objected to; and if a new claimant was objected to, who did not appear upon the register as a responsible man, there would be no ground

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for costs against the objector," and so on. I do not quite understand how that answer is reconcileable with the answer which you have just given to the Honourable Member for Knaresborough?—I think that I was then answering you upon the supposition that you left the registration as it is now, without expecting the overseer to put on the claims. If the register is to be formed by claims, I think that you must leave the claims entirely open. If the overseer is expected to put on all proper claimants, then I think that the supplement to that may fairly be established by some proof, either personally or by solemn declaration.

2190. Then you would give a certain class of electors this advantage, that they would be put on by the overseer without the trouble of making a claim at all, whereas you would call upon the other electors who had not that advantage, not merely to put forward a bare claim, as they do now, but to give some corroborative evidence of their right to be registered?—I think that we are bound to suppose that the overseer, as a public officer, would do his duty, and would put on without favour or affection those parties whom he thought to be entitled to claim. I think that that duty would be more fairly discharged every year under the revision of the Revising Barrister, and when it was well done, almost every man who appeared upon the rate-book at all would be put upon the register. Then the supplementary list of claimants might, I think, be fairly put to the proof of their qualifications.

2191. You told us that there were certain classes of electors who did not appear upon the rate-books at all, and whom it would be impossible for the overseers to deal with in any way; as I understand your proposal now, you would, through the operation of the overseers, increase the facilities of one class of electors to be registered, and, by your proposal that claimants should be obliged to substantiate their claims, you would be increasing the difficulties of another class of electors to be registered?—That is quite true; but the distinction which I draw is this: the class who must necessarily claim, and of whom the overseer would know nothing, are just that class of whom any one inquiring of the most competent person would obtain the least information, and it is fittest that they should be put to the proof of their qualification. All new claims put on for rentcharges, or for qualifications which are not patent, are always objected to in every county where there is vigilance over the register; those are secret qualifications, so to speak, that is to say, rentcharges, or interests under leases of an intricate character, which no overseer could be expected to know.

2192. Mr. *Collins.*] In boroughs, I believe, the persons who are put on by the overseers have an advantage over the persons who claim in that respect: that the claimant has to come into court to prove his vote, whereas the vote of the other person, unless objected to, stands?—That is so.

2193. Therefore, what you propose to do in counties is to assimilate the law to that in boroughs, and to give the person put on by the overseer an advantage over the person omitted by the overseer?—It would necessarily be so.

2194. And you say that the class of persons omitted are persons who naturally take more interest in the votes; that they are building societies got up partly for the purpose of creating votes; and that they almost always claim?—The building societies almost always claim, because they are a strong body, and there are among them one or two men of strong feelings who carry the thing in the whole body, but rentcharges and intricate interests under leases nobody can understand or explain, unless the voter himself must explain what the interest is. I think that he should do so by affidavit, and that it is right he should be put to proof. As a matter of practice, wherever the register is fairly watched, those cases are always objected to upon the first claim.

2195. Would not the mode of proof by affidavit before a magistrate or before a commissioner be very simple?—It is very simple.

2196. In the case of proving a will, I believe that the signature of the testator is proved by affidavit?—No; that is not a part of the proof in the case of a will; you merely swear that you are the executor; that the party died at such a date, and that the property is under such an amount. The signature to a will is only proved where a *caveat* is entered in the Ecclesiastical Court, and then the will must be proved by the witnesses; but in the ordinary case it is not so.

2197. Do you see any objection to giving the overseer power to amend the second column of the register, namely, that which contains the place of abode?—No; I think that there would be no objection to that, and no objection whatever to let the Revising Barrister amend everything, except that he must have proof of the reality of the qualification where it is questioned.

2198. Has it not been your experience in the West Riding of Yorkshire that a very great part of the objections have been made on the ground of change of abode?—A very great proportion.

2199. How would you propose to get the second column rectified before the list is published, so as to avoid those what you may call residential objections?—You can only do it by letting the overseer correct the residence.

2200. Do you think that it would be an improvement on the present plan that the Clerk of the Peace should instruct the overseer to amend the second column when he prints the lists, in all cases in which he had reasonable ground to believe that the residence was changed?—Yes; I think so.

2201. Do you think that any persons would be disqualified by having an objection posted to a wrong place of abode, through the overseer carelessly or fraudulently altering the place of abode?—I do not think that we ought to speculate upon the fraud of the overseer. I think that the overseer would not dare to alter the residence of any party on the register, unless he was quite sure that the residence which he put down as the substitute was the correct one.

2202. It would be just as easy for the overseer to omit the name altogether?—Certainly.

2203. Therefore, at present, the register is open to fraud on the part of the overseer?—At present, no doubt, a fraudulent overseer may commit great enormities in the register, and may object to parties who ought not to be objected to. But if the Revising Barrister were required to question the overseer upon those points, it would do more to train him into the habit of doing what was right than any precept from the Clerk of the Peace.

2204. With regard to the question of costs: do you see any objection to a minimum, say one of costs, following upon every objection, unless the

the Barrister should otherwise determine?—Yes; I think that it would be highly objectionable. I do not think that you would get the register at all complete if that were done; it would be overladen with errors, and an objector would not dare to encounter the chance of clearing it. Take the West Riding of Yorkshire, where you have sometimes as many as 8,000 objections: supposing 4,000 of those to be visited with 10*s.* costs, it would come to a very serious sum of money.

2205. Was it the practice in the West Riding of Yorkshire, as in the county of Middlesex, to object to every new claimant on either side?—I never adopted so large a rule as that.

2206. Do you think that a wholesome state of things in a county?—I do not. In Middlesex it may be of less consequence, because Middlesex is of limited capacity; but we should not think of it at all in such a constituency as that of the West Riding.

2207. Are you aware that in South Lancashire, in a constituency of 22,000, something like 8,000 objections have been made?—I was not aware of it.

2208. Do you think that mode of objection very objectionable?—I certainly do not think that it is wholesome.

2209. Mr. *Longfield.*] As I understand you, a great deal of expense and difficulty arises in the English county registration from the fact that value is not ascertained conclusively by any public document, such as the rate-book, but depends upon parole evidence which may be adduced before the Revising Barrister?—Yes; nine out of 10 of the contests upon the substantiality of a qualification arise upon that single point.

2210. There is really no official document, which is a conclusive test of value?—No.

2211. In boroughs there is a document which makes the test conclusive, namely, the document which gives the ratable value?—Yes; I think that a person must be rated in boroughs.

2212. But being rated, that is the test of the value?—Yes.

2213. Do you see any objection to introducing somewhat of the Irish system into England, namely, making the test of the value for the Chandos Clause voters, or for any other purpose, the actual rated value of the premises; would not it save a great deal of expense and trouble?—If that were adopted it would save a great deal of expense and a great deal of trouble, and it has been contemplated; but the difficulty in the way of it was the extreme inaccuracy and difference of value in the rates throughout the kingdom. The rates throughout the kingdom, notwithstanding all that has been done, vary so exceedingly that it was found unjust to establish that test.

2214. Would that be more, perhaps, an amendment of the law of the franchise than of the mode of registration?—It would be an alteration of the franchise certainly.

2215. Mr. *Collins.*] You have said that in boroughs the rate-book is the criterion of value, are you not aware that in some boroughs it is the habit of the overseers to put on every person rated at 7 *l.*, and that in other boroughs it is their habit to put on every person rated at 8 *l.* or at 9 *l.*, according to the local rating?—I was not aware of that; but the inaccuracy in the rating both of counties and of boroughs in England is extreme. I believe that in Ireland they have a much more uniform mode of rating than we have in England.

2216. Mr. *H. A. Bruce.*] You are speaking, I presume, of the system of rating as it existed before the passing of the Parochial Assessment Act?—I am speaking of it even now.

2217. You can hardly pronounce as yet on what has been the result of that Act, can you?—Yes; I am brought into contact every year with numbers of parishes, and I find that instead of being rated at the rack rent, they stand at varying quantities below it; it does not signify whether they are 10, 15, or 20 per cent. below the actual value so that every one is rated in the same proportion, and it is only when you come to the county rate that the rate of one parish is put into comparison with the rate of another, and the injustice then crops out.

2218. With reference to the union charges would not the injustice be equally great?—Yes, you take the parishes as they are rated. Practically, there is that variation in spite of all that has been done, and there is a disparity of rating throughout the kingdom.

2219. With reference to what latest period of time are you speaking?—I am speaking of about five years ago, when I took a great deal of trouble at the Poor Law Board.

2220. Are you aware that the Parochial Assessment Act, which has appointed Assessment Committees to equalize the rating, at all events with reference to the parishes which constitute a borough, was only passed two years ago, although the committees have been hard at work for some time?—Yes; but it will take at least ten years for any new machinery to travel through the kingdom, and to rectify the mistakes which occur in the rating of the parishes.

2221. Do you mean that each Assessment Committee must take ten years to complete its own particular work?—It will take some time before the Assessment Committees get to work, and when they do get them to work they will not do their business the first time of going through the list, or the second time either—the inaccuracy is so very great that you will never overcome it by any one or two, or perhaps three efforts, although the third effort will be much more near accuracy than the first.

2222. The Assessment Committee consists of gentlemen representing different parishes, whose interests must therefore be to introduce equality of rating as respects those parishes?—Every gentleman's interest is to take care that other parishes are rated as high as his parish; but it does not matter to him, if they are in equal proportion, whether it is actually at rack-rent or not. And so in county rates it is notorious that many parishes are under-valued, and in that respect efforts have been made, within my knowledge, for 10, 15, and 20 years, and yet the county rate has never been brought to accuracy; a disparity between the parishes remains.

2223. The work of making a minute examination of all the parishes by a committee of county magistrates would be rather more laborious than you could well expect them to undertake, would it not?—It is extremely laborious, but it is the machinery by which they do it. They can only do it by appointing a valuer to do it for them, and to report upon the different parishes; and such is the infirmity of human nature, that, in spite of all your efforts, you will find that the return is not by any means accu-

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rate: a variety of circumstances will influence his judgment; and after it is all done, you will find that, until it is gone through twice or thrice, there are very great discrepancies in value. It is almost incredible how the parishes cling to a standard of rating; they may be 33 per cent. under the actual value, they cling to it with a tenacity, and they conceal it with an adroitness, which is quite extraordinary.

2224. But in the present case it does not depend upon what the parishes may desire, but upon what the Union Assessment Committee decides?—Yes; it is done by the Assessment Committee employing agents.

2225. Sir *Edward Colebrooke.*] I understand you to propose that the overseer should give the names of all proprietors in his own parish or district, and not only those upon the rate-books who are qualified to vote?—All proprietors, to the best of his information, as well from the ratepayers' book as from any other source.

2226. Have you any means of judging what proportion of proprietors generally are on the rate-book already as occupiers?—I do not remember it.

2227. Is it a small proportion, or a considerable proportion?—It is not a very large proportion of proprietors who are occupiers in England.

2228. Then the overseer's chief inquiries would be with regard to those who received their rents from a tenant?—It would be so.

2229. If a proprietor was non-resident, the overseer's information might probably be imperfect with regard to his qualification?—In all country places I have been very much struck with the extreme accuracy of knowledge of every person in the smaller parishes as to the proprietorship of the property; it is every day's talk with them. I will not say that they have little else to speak about, but it comes from continual conversation amongst themselves that they know, and will tell you, not only who is the proprietor, but who has been so for two or three generations.

2230. If the overseer were to register the proprietors, do you think that he would be able to obtain tolerable information as to nine-tenths of the whole proprietors, or even a larger number?—I do, indeed. I have had considerable experience both in the Midland Counties of England and in Yorkshire, and it is my conviction that in all the smaller parishes there would be very few mistakes if the overseer took pains to do it. In the larger parishes there is more difficulty, but there you have a higher class of overseers to undertake the duty.

2231. Do the cases where there is a difficulty as to technical matters of title constitute a considerable proportion of the whole number?—I should think not a very considerable proportion. I should think that 25 per cent. would be more than the cases of intricate qualifications would represent, compared with the whole.

2232. And those are practically the questions which are brought before the Revising Barrister?—Always. I think that the effect of the overseer entering people upon the register would be, that he would put down somebody for each estate in the parish.

2233. And any imperfection would be easily corrected by the parties?—Either in the way of claim, or of objection.

2234. Practically, it would be generally *primâ facie* evidence of the right of a person to vote?—I think that it would not be perfect, but that it would be generally accurate; there is no machinery which you can possibly devise which will relieve you from the necessity of having the register watched over by partisans, if we may use that term.

2235. My question was chiefly as to the number of imperfect statements of right which would appear; you think that 25 per cent. would be the outside?—I think quite so.

2236. Mr. *Evans.*] Do you wish the Committee to understand that you would compel the overseer to put down the name of everyone in the valuation list who appeared to have a *primâ facie* qualification?—I think that if I were overseer, I should do so, certainly.

2237. Do you think that the overseer would be a more suitable person to put down the names of parties who ought to be upon the register than the clerk of the Parochial Assessment Committee?—The clerk of the Parochial Assessment Committee would have a much larger sphere to which his attention would be directed; the overseers would have a narrower sphere, and therefore I think that the overseers, taken as a body, would have a greater mass of information.

2238. I suppose that the clerk of the Assessment Committee would be a man of superior education to overseers; but on the other hand, you think that the overseers would possess more accurate local knowledge than the clerk of the Assessment Committee?—Yes, that is just my view.

2239. I think you mentioned on your last examination that, in the metropolis a very great number of persons who would have a right to the franchise do not claim?—Yes.

2240. Were you then speaking of boroughs or of counties?—I was speaking both of boroughs and of counties.

2241. Mr. *Locke King.*] You would make it compulsory, as I understand, on the overseer to put down in the rate-book the names of all the owners?—Not exactly in those words. I would make it compulsory upon him to make out a list of claimants, and should represent to him that it was his duty to put down all those whom he believed to possess a qualification.

2242. I am now speaking of the rate-book; would it not be desirable that he should put down all the names of the owners in the rate-book?—Certainly.

2243. And from that again you would require him to take the register?—Yes.

2244. With regard to a claimant, the first time that he claims his vote would you have him attend personally?—If the overseer were bound to put on all that he thought entitled, then I think that it would be fair to let every claimant who supplements that list to prove either by personal attendance, or by his tenant, or by his solemn declaration before a magistrate, that he is entitled to the qualification.

2245. In the present state of apathy would not that be very difficult?—No doubt it would be difficult to get the parties to do it; and if you ask me whether I would recommend such a thing to be done in general without putting any duty upon the overseer, I should say no; but if you laid the duty on the overseer, I think that you would have a very full proportion of the voters at once returned, and the others might be fairly left to make a claim and to prove it.

2246. Do you not even now, in many places, find a great reluctance to claim a vote?—Yes.

2247. So that if you gave the person any further trouble, he would not be inclined to take that further trouble in order to obtain a vote?—Yes.

2248. So that you would decrease instead of increasing the number?—I think that there would be an increase on the whole; there would be an increase in the point of requiring the overseer to put on the names, there would be a decrease in the point of asking a claimant to prove his qualification; but I think that the increment would be larger than the reduction.

2249. Mr. *Walter.*] I understood you to say that there were two classes of persons whom the overseers had very distinctly in their minds, namely, the 40 *s.* freeholders and the 50 *l.* occupiers?—Yes; I think so.

2250. Should you not apprehend that in times of excitement there might be a third class of persons whom the overseers might have very much in their minds, namely, their landlords?—Their landlords would be the 40*s*. freeholders.

2251. The overseers perhaps being the tenants of these 40 *s.* freeholders?—Yes.

2252. Do you think it desirable that persons holding the relation of a small tenant to perhaps a very large landlord, should be persons in the character of polititical agents, because that is what it comes to. If a man is to have the power of putting all names on the register, or of making objections (for my argument would apply equally to both), is not it making him to that extent a political agent; and do you think that that is a desirable position for a person in the condition of an overseer to occupy?—I confess that I do not see the objection. As a matter of practice you are perhaps aware that the office of overseer in all small parishes goes round the parish; every large farmer is expected to take that office in rotation. There is no impropriety, as it seems to me, in asking such a man to make out the list of voters; the office of doing it goes to his neighbour the next year, and to another neighbour the following year. In the larger parishes you will have a man of a higher stamp to make it out, and he is under the supervision of those who are acting over him, and he would hardly dare to take any violent step in the way of partisanship; and then ultimately the whole is corrected, according to the plan which I have ventured to suggest, by the Revising Barrister, who asks the reason of each name being placed upon the list.

2253. Are not the overseers, as a rule, in country parishes taken from the class of tenant farmers?—Always.

2254. And are there not many parishes in England which are either close parishes with one landlord, and with the office of overseer passing in rotation from year to year to his tenants, or where there may be two or three landlords all of the same political opinions, and where the overseers are simply their tenants from year to year?—In many parishes it is the case that all the overseers are from year to year the tenants of the same individual.

2255. As a matter of general principle, supposing we had to reconstruct the registration system, do you think it advisable, on the whole, that the overseer should have the power of objecting or of putting names on the register at all; do you think it advisable that he should be made a sort of political agent?—I think so. You must commit the duty to somebody; and I have certainly not been able to find any public officer to whom you could commit it with so great propriety as to the overseer, because he has under his eye, and he has to manipulate every year, the names of those who are the tenants, and the owners of property, in making up and correcting and collecting the rate-book. I have not been able myself, therefore, to find any other person to whom you could give the same duty. I think that the overseer is the best person that you could choose.

2256. Would not the clerk of the union be less objectionable, as being a more independent officer than the overseer. I will suppose that we are doing it for the first time, is it not desirable that, if possible, the duty of placing names on the register, or of objecting to them, should be entrusted to the most independent public functionary that we can find?—Abstractedly, no doubt, that is perfectly true. With regard to the clerk of the union, it would add very great labour to his office, and you must pay him for it. I daresay that the clerk of the union, if it were laid upon him, would do it upon the whole more accurately than the overseer, because it would be part of his duty to go to the overseer and collect the information of each parish for which he was making out a list of claims.

2257. Do you think that the overseer in country parishes, as a general rule is, politically considered, quite an independent person?—No; I think that the overseer of a country parish is a politician; but politics do not run very high in country parishes; they rise to fever heat in the towns, but not so much so in the country parishes.

2258. That depends, I presume, upon the state of politics in the country at the time; that would not apply, as a rule, to all counties, would it?—I have known politics for the last 40 years, and I have only known one political subject which has ever roused the class to whom you refer, and that was the Repeal of the Corn Laws; since that matter was settled I have never seen any political fever amongst them at all.

2259. Was not there a good deal of excitement in some counties at the time of the Reform Bill?—Yes; but I do not think that that was the class at all in which the excitement prevailed; I do not think that the agriculturists in any way participated in that fever.

2260. Are you acquainted with what was the state of feeling in a county like Berkshire, for instance, 30 years ago, at the time of the Reform Bill; can you state that there was no political feeling amongst the overseers, and that class of persons generally, at that time?—I do not know Berkshire at all: but in small country towns I know that there was such a feeling as you represent; but, as a class, I think that there was less of that feeling among the agriculturists than amongst any other class, according to my experience.

2261. Viscount *Enfield.*] Is not the great difficulty, in the generality of cases, the determination of the beneficial interest which the voter takes in the estate, and not what may or may not be the estimated value?—I think that, in the majority of cases, the interest is a simple one, and that the question of value is the matter of importance. I should say that the question of value, in certainly five cases out of six, would represent the question, and that the sixth would represent the interest which the party has in the estate.

2262. But the franchise depends upon the

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owner's beneficial interest above all rents and charges, and not upon the absolute value of the premises, does it not?—It is so, but the proportion in which the right to vote is affected by charges is very small indeed.

2263. With regard to the 40 *s.* freeholders and those who claim under the Chandos Clause, do you know what proportion they bear to the other county voters throughout the kingdom?—I have not it here; I have often ascertained it.

2264. Can you give a rough guess?—No; I have no impression remaining at present, but I have ascertained it.

Sir Thomas Edward Colebrooke, Bart., a Member of the Committee; Examined.

Sir *T. E. Colebrooke*, Bart.

2265. *Chairman.*] Will you tell us, in the first instance, what is the franchise in Scotland which gives a county vote?—I have the Reform Bill for Scotland here. The franchise rests in Scotland almost entirely on the Reform Bill. There was a very limited class of voters which existed previously to it, and they were only continued for their lifetime, and after the passing of this Act the right of voting depended, in the first place, on a person being owner, as is described, "of any lands, houses, feu duties, or other heritable subjects within the shire, provided the subject or subjects on which he so claims shall be of the yearly value of 10 *l.*, after deducting any feu duty, ground annual, or other consideration." In addition to that the right is vested in all tenants of lands, houses, or other heritable subjects under lease for a period of not less than 57 years, or for the lifetime of the tenant, where the yearly value is 10 *l.*, after paying the rent or other consideration due by him. The right is also vested in the tenant, upon his occupying and paying rent of not less than 50 *l.*, or when he has paid 300 *l.* for his interest. There is another qualification which has practically not come into force, where he has, under a lease of not less than 19 years, a beneficial interest to the amount of 50 *l.* annually. There are very few persons who have that beneficial interest who do not qualify upon some other ground. Those are the qualifications on which the right of voting rests at present.

2266. I believe that three years ago you introduced and carried through the House a Bill, for the improvement of the registration in Scotland?—Yes.

2267. And that is now the law of registration in Scotland?—It is. The registration law previously rested upon the Reform Bill, and this Act has superseded it. It was passed in 1861.

2268. Will you inform the Committee what is the process by which a person, entitled to a vote, now gets his name placed upon the register for a Scotch county?—The basis of that Act was "An Act for the Valuation of Lands and Heritages in Scotland," which was passed in the year 1854. Under that Act, assessors are appointed, who make up the valuation roll every year by the 15th of August, and they obtain information with a view to it, not merely with regard to all tenants and occupiers, but also as to all proprietors in the county; they are called upon to estimate the yearly value of these lands at the full rack-rent, and they are empowered to call upon the parties to give in returns with regard to their value.

2269. Do they obtain that information from the occupiers or from the proprietors, or from both?—From both; I should state that this valuation is subject to an appeal upon which the commissioners of supply, who consist of proprietors of the county, sit, and it is not until that appeal court has concluded its sittings, that the valuation roll is complete, and then that roll is complete for the year; and the same process is gone through every successive year.

2270. These assessors are county officers?—They are county officers, but by an Act which was passed two years afterwards, the county has the power of appointing the Government officer; and I believe that in the majority of counties at present the officers of Inland Revenue are the assessors; it is so in my county.

2271. The valuation roll for the whole county is made out by the same officer, and he proceeds upon the same principle in estimating the property throughout the county?—He proceeds upon the same principle entirely, and has to ascertain the full value of the land, what it may let for.

2272. How is a person who is entitled to vote now placed upon the register for Scotland?—I should say in addition to this, that by the 34th clause of the same Act of 1854, the valuation roll was made *primâ facie* evidence in all registration and appeal courts, so that we had before us a complete record for all purposes, giving the assessments of all properties, their value, and the occupiers with regard to them, and in the Valuation Court this assessment was held to be *primâ facie* evidence of value. A considerable portion of the material, therefore, for determining the right of voting existed upon this record. Accordingly, in the year 1856 a Bill was introduced to amend the registration of persons in all boroughs and counties, but it was objected to very strongly on the part of many county members that this roll would be an imperfect one for the purpose of determining questions of title in counties. Accordingly, that part of the Bill was dropped, and the Act was passed and put in force with regard to boroughs only. Some of the objections were well founded. I have already explained the nature of the qualification, that it rests upon the value of the properties, after deducting feu duties, as they are called, or dues to superior landlords, or ground rents. It was at this stage that I took up the question, and endeavoured to the best of my power to enable this valuation roll to be made more complete, so as to ascertain every possible particular with regard to the property; and accordingly, in the Act of the 24th and 25th Victoria, which was ultimately passed, the assessor was required to give in his return of the valuation much more completely, so as to give all deductions on account of feu duty or ground rent, and to give also the length of the lease under certain heads under 19 years, and less than 57 years, and 57 years and upwards. Accordingly the assessor's task is very much simplified. He has on the valuation roll the names of all, or nearly all, the proprietors and all the tenants, and he knows what deductions are to be made, and by this Act he is required to use that information. The assessor need not necessarily be the same person

person as the person who makes out the register, but he is usually so appointed, and at the same time that he is making up the valuation roll he is able to make out a list of all who are qualified to vote. He is called upon to prepare a list, arranged alphabetically in parishes, of all persons entered in the register of voters for the county who have died or become disqualified, and a like list of all persons who shall appear from the valuation roll to have become entitled to vote." Then he gives notice by special advertisement of these lists, and they are open to inspection, and those who have been left out of the lists can give in their claims, and any voters are entitled to take objections to any persons on the register, or claiming to be put on the register.

2273. As I understand you, the assessor is the officer also charged with the duty of making out the register?—The assessor is so in my county, and possibly in most of the counties, as he has the greatest local knowledge, but it is not necessarily so; the counties appoint the assessor.

2274. And it is his duty every year to add to the register the names of persons who appear to him from the valuation roll to have become entitled, and to strike out the names of those persons who from the valuation roll appear to him to have lost qualification?—He has to make out a list of both. He strikes out of the roll all persons whose names ought not to be there; but he makes out and publishes a list, so that all parties may have full knowledge of what has been done with their names. To enable him to complete the information as to the state of the properties, he can call upon proprietors or tenants, under penalties, to give full information as to the state of their property.

2275. Has the officer who makes out the list of voters any authority; does he apply to the proprietors or to any other persons for information supplied to him by the valuation roll?—He has the information supplied to him by the valuation roll of the existing and of the past year, so that he has information as to what the previous state of the properties was, and of their existing state.

2276. And he publishes annually, if I understand you, a list of the persons who have newly become entitled, and a list of the persons who have become disqualified?—Exactly so.

2277. Does he also publish a list of persons objected to?—Objections are given in to him, and objectors are bound to give in their objections to the parties. He makes out the lists of objections and delivers them to the sheriff's clerk.

2278. Does he make objections himself?—He objects in the way of making out a list of the persons whom he considers disqualified.

2279. If he thinks a person disqualified, he puts him on the list of persons disqualified?—Yes.

2280. But he does not make objections to persons on other grounds, as that there are errors in their entries, or matters of that sort?—No; if they have parted with their interest, the knowledge of that fact is derived through the valuation roll; he does not object on account of change of residence and so forth.

2281. As I understand your account of the Scotch franchise, a man is entitled to the franchise if he be the owner of a property, which property is of the annual value of 10*l.*?—Yes, after deducting any payments to a superior landlord.

2282. You do not enter into the question as to whether there are any mortgages or charges of that sort upon the property other than the feu duties on ground rents, which diminish the value of that property, and reduces it below the annual value of 10*l.*?—No reduction of that sort is made.

2283. And no question arises as to the nature of the title under which the person owns that property?—The question may arise whether the valuation roll is complete evidence with regard to title. It was a question under the consideration of myself and of the House whether we should endeavour to make it so, but it was thought inexpedient in that Act.

2284. In Scotland, at all events, for the purposes of registration, do you enter into the question of tenure as we do in England; the question, for instance, whether the property is freehold or copyhold?—There are questions of title the same as in England; but I apprehend that they are not quite so intricate. For example, I understood one of the witnesses to say, that in England a person would not be entitled to vote, though he might hold, under a long lease, property of the annual value of 10*l.*, after deducting the rent paid, if the party to whom he made the payment was not a superior landlord. I do not consider that such a case could arise in Scotland. If the valuation roll described the person as holding property of the annual value of 10*l.*, after making all deductions, he would be entitled to vote.

2285. Then the Scotch valuation roll, showing the deductions which are made from the property for feu duty on ground rent, shows completely the value of the property so far as is required for registration purposes?—It does not show every qualification.

2286. I am speaking of owners?—I am speaking of owners, too. For example, a person who receives 10*l.* annual value of a feu duty is not liable to assessment, and his name does not necessarily appear as an owner in the valuation roll (he would have to give in his name independently); but there are very few persons who are qualified by the receipt of feu duty who have not other qualifications, and who are not registered. Then, again, I should explain that there are, by the 6th clause of the Valuation Act, persons holding under certain leases of 21 and 31 years, described as owners, and they are assessed as owners; but the additional information with regard to the length of their lease assists the assessor in determining their title to vote. It is not, therefore, from one particular, but from all the particulars, which appear on the valuation roll, that he gets his information, as well as from any private information which he may obtain. For instance, a person may be disqualified as a minor or as an officer of Inland Revenue, although he may be qualified as owner; and it would be a question whether the assessor would be entitled to put him on.

2287. In practice, do you know what assessors do in such a case as that?—I know with regard to the first case, for I have a short memorandum from the assessor of my own county (Lanarkshire), which he communicated to me since this Committee sat, describing his practice in that respect; before reading it I will take the opportunity of quoting another note which I have, which was given me by a Committee of Sheriffs, who, the Committee may be aware, are the registration officers in Scotland, and do the same duty as the Revising Barristers. It was sent to me in 1861, when my Bill was before

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before the House of Commons, suggesting many amendments, and they state this at the beginning, with regard to their experience of the Borough Act, and the probable effect of a similar Act for counties. They say "The Borough Registration Act" (19th & 20th Vict. c. 58) passed in 1856; it has saved an immense deal of time and trouble, and expense, and has given universal satisfaction. There seems no reason to doubt that the same must be the result of an extension of the principle of that Act to the registration of voters in counties." When the Bill for county registration was first introduced, many doubts were expressed whether it would act with sufficient accuracy to supersede the necessity of private parties going to all the trouble and expense which they did previously; but the result of the working hitherto has been that though, probably, the objection, with regard to accuracy may, to a certain degree, be well founded, yet, with regard to the other objection, it has turned out to be unfounded; and that, in fact, in the greater number of counties generally, so far as I can procure information, the work of the assessor is considered final and conclusive. The following is the substance of the memorandum which was given to me by the assessor of Lanarkshire:—He states that the Act has been much more successful than he anticipated; that it is in very few cases the amount of net rental is so very near the amount required to qualify an elector, that a very strict scrutiny into the deductions is required; that he has obtained the deductions with great facility, and that, generally, the proprietors give in their returns with accuracy; and he says that "when a property is held in trust, or when it is otherwise doubtful if the proprietor is entitled to have his name placed on the roll of votes, the name is omitted" (that is, with regard to the question which you put as to his practice), and he is allowed to lodge a claim and prove his qualification before the sheriff at the registration court." He adds "the anticipated difficulties in working the Act have not proved serious, and have been much more easily overcome than I, at one time, thought could have been possible."

2288. A qualification by the payment of 50 *l.* rent, is one of the qualifications, is it not?—It is.

2289. In that case, does the question arise under that franchise whether it is one rent, which is the case in England?—It might arise. If the valuation-roll referred to farms in different parishes, the assessor might overlook the fact, and not enter the person in reality; he really might have a qualification. If you will allow me, I will refer to the Reform Act. It is not necessary that the rent should belong to one landlord.

2290. Is it the duty of the assessor to defend the list, as he has made it out, before whoever discharges the duty of Revising Barrister in Scotland?—He is required to attend and defend his lists, or the claims which he puts in, and to answer objections.

2291. Does an objector in Scotland object generally, or does he specify the ground of his objection?—He objects generally. I think that the terms are the same as they are with regard to Ireland: "Take notice that I object to your name being entered, or retained, in the register of the voters for the county." He gives a form to the assessor, describing the person in full detail, and his place of abode and qualification.

2292. Is there any difference in the law as to costs in Scotland from that in England?—The sheriff has the power of awarding costs.

2293. Costs do not follow, as a matter of course, upon the failure of an objection?—Not necessarily.

2294. The Act, since it has been introduced into Scotland, has been found to work satisfactorily?—It has hitherto, as far as my knowledge extends, given perfect satisfaction.

2295. Can you say what proportion of new claimants are put on the register by assessors, and what proportion are left to make their own claims?—I can only state that, in a letter which I have received from the Clerk of Supply for the county of Lanark, he informs me that last year in Lanarkshire the sheriff expressed his satisfaction with the measure after the close of the first registration court; that his appeal court had almost nothing to do, and that there were last year in the whole county only four claims and one objection lodged, and that all of them were refused.

2296. Has the improvement which was made in the valuation roll by adding new columns to it, under your Act, increased the expense of making out the valuation roll to any material extent?—I apprehend not. I have not heard of any additional charge being made upon the county on account of it.

2297. Is it the case in most Scotch counties that the registration is looked after by political agents on each side?—It used to be so.

2298. Have their services been to any material extent dispensed with since the passing of your Act?—I think that they have generally, except in cases where it has been thought advisable to raise questions before the Court of Appeal. The same Act gave an appeal to the Judge of the Court of Session upon the same principle as exists in England with regard to an appeal to the Court of Common Pleas; and I think that in two counties (there may be more) very important questions have been raised, and large batches of voters, whose votes are popularly called by the name of fictitious votes, have been objected to, and the question has come before the Court of Appeal.

2299. What class of voters are these fictitious voters?—They are not always fictitious; it would be a very complicated story to tell you how they have arisen; but in small counties where the roll is small, attempts have been made by both parties to increase the numbers, sometimes by splitting properties, and sometimes by giving a life rent with a return bond, in which latter case it is perfectly fictitious. I apprehend that those cases are rare; but the common case is where life-rents are given upon properties to a very considerable extent, or where properties are subdivided for the purpose of voting. I could not go into the legal questions which are raised.

2300. Have there been more attempts to create fictitious votes since the passing of your Act than there were before?—I have not heard of it.

2301. Has the Act in any way facilitated the creation of such a class of votes?—I should think not, but it would probably leave it in very much the same state in which it existed before. If these properties were sub-divided, it would not, perhaps, follow that all of these names would appear upon the valuation roll. For the purposes of assessment the

the assessor might deal only with one party, and he might not have knowledge of the others, and in that case the parties would have to put in their claims independently.

2302. Are any complaints ever made of the manner in which the assessors discharge their duties in connexion with the registration; I mean are there charges or suspicions of partisanship?—I have not yet heard of any charges on that score.

2303. Mr. *Longfield.*] As I understand you, the chief facilities which have been given by the last Act, and the chief improvements made by the last Act, consist rather of the law of evidence than in anything else; that is to say, giving an official document which is to be *primâ facie* evidence of the qualifications of the parties?—It is *primâ facie* evidence as to value. That was a very important point, for previously to the passing of the Act, in questions of value, parties brought their valuers to depose to the value on either side.

2304. But now there is an official document compiled upon a uniform system by skilful persons with sufficient means of obtaining information, which is taken as the test of value?—It is not the final test of value, but it is a *primâ facie* test of value. But I should state that there is this imperfection in the Act, namely, that the Court of Appeal does not necessarily conclude its sittings before the Sheriff's Court sits. It was my endeavour so to arrange it as that the Sheriff should sit afterwards, but there are practical difficulties with regard to it, and therefore the valuation roll, which is being made up for the year, is imperfect in some respects; it is only the one for the previous year which is *primâ facie* evidence.

2305. In truth, then, the great improvement of the modern system consists in there being a uniform and simple mode of ascertaining the value, which, though not conclusive, is made *primâ facie* evidence, and that is so far accurate that people very seldom dispute it?—Exactly so, that is one source.

2306. That is as to value; the other circumstance is that the same roll is made *primâ facie* evidence of qualification?—It is virtually *primâ facie* evidence of it.

2307. Therefore the chief improvement in the system under your Act is, that there is official information given which is *primâ facie* evidence of value and of qualification?—Exactly so.

2308. And so far it has worked well and satisfactory as a self-acting system?—With satisfaction.

2309. The imperfection in Scotland was, that before the passing of this Act, each party brought witnesses before the officer, and the same thing exists in England?—Exactly so.

2310. Mr. *Algernon Egerton.*] How are the assessors appointed and paid?—I have explained that they are appointed by the county, but the county has the power of appointing the Government officer of Inland Revenue by an Act which was passed two years afterwards, enabling the Commissioners of Supply to appoint officers of revenue, in which case the expense is defrayed by the Treasury.

2311. Practically, I suppose, they are Government officers paid by the Treasury?—They are so.

2312. How often is the valuation corrected, is it every year?—Every year.

2313. Mr. *Evans.*] With respect to mortgages, I understood you to say that mortgages were entirely neglected in the Scotch qualification?—They have nothing to do with the qualification.

2314. If a man conveyed to another a property worth 10*l.* a year, and at the same time took a mortgage upon it up to its full value, still it would convey a vote?—Yes; and that is one of the ways in which voters are created in many cases: batches of them are so made.

2315. And that would not be a fictitious vote?—It would not be a fictitious vote. But, practically, the property might be bought with money perhaps secured upon it, and the persons holding the interest might not receive a penny.

2316. They still would be entitled to vote?—They still would be entitled to vote.

2317. *Chairman.*] Under your Act, the assessors, in making out a valuation roll, are required to apply to the proprietors for particulars of information as to feu duties, ground rents, and other particulars; has any complaint been made that the Act has been inquisitorial in its nature?—No, that has never been complained of; but it was objected to, in the first instance, on the ground that it would bring upon the valuation roll a class who were, at present, not liable to the rates, and that there would be a temptation to some future Parliament to make them liable; that, however, was not considered a valid objection.

2318. It has not been found that the proprietors of property have any objection to give the information required of them?—No, I have not heard of the objection. The same evidence might have been produced before, and was produced before at the registration courts: it is merely requiring the lessee or the owner to give to the assessor that information which he would have to give at the Registration Court before he would be able to vote.

2319. Before the passing of your Act, he would only have had to give that information at the Registration Court, in case he chose to put it forward himself by claiming a vote?—Of course.

2320. Now, under your Act, he is called upon as a matter of necessity to give that information to the assessors whether he wishes to do so or not?—Yes.

2321. Has any complaint been made of the Act, as being inquisitorial in that respect?—No. He takes his receipt of his superior landlord, which is good evidence of the deduction.

2322. Mr. *Collins.*] The Chandos Clause applies to Scotland as well as to England, does it not?—It is in the same terms.

2323. 50*l.* rent?—50*l.* rent.

2324. I see here a column headed "Yearly rent or value." Supposing that a property was let for 40*l.*, but was worth 50*l.*, would it stand in this column at 50*l.*?—That would depend upon the assessor.

2325. What is the practice?—It might possibly do so; but you will understand that in the greater part of Scotland the properties are let upon leases, and generally those leases are accepted as showing the value during the term of the lease, though for two or three years before the lease expires it might be considerably below; but I do not believe that those questions are raised by assessors, excepting with regard to the case of long leases.

THOMAS NICOLLS ROBERTS, Esq., called in; and Examined.

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2326. *Chairman.*] YOU are Secretary to the Liberal Registration Association?—I am.

2327. You have been for many years practically engaged in the work of registration?—For the last 20 years.

2328. In what counties have you been principally concerned?—South Lancashire, South Derbyshire, West Kent, and East Kent.

2329. And in your present capacity as secretary to the General Liberal Registration Association you are indirectly connected with every county?—I am.

2330. What, in your experience, are the principal evils attaching to the present system of registration?—The principal evil, is the facility of persons getting on to the register unquestioned.

2331. That is the greatest evil, in your opinion?—That is the greatest evil in connexion with the qualification.

2332. In what way would you propose to remedy that evil?—I should propose to make every man before getting on the register prove his right.

2333. In what manner?—By a statutory declaration or by personal attendance.

2334. Would you give him any greater privilege as against objectors than he now enjoys to compensate him for the trouble to which he would be put in proving his vote in the first instance?—Yes; having once been placed on the register, if he were objected to, and proved that his qualification was the same as when he was originally registered, that there had, in point of fact, been no change in any of the columns, he should have substantial costs.

2335. Would you require an objector to give him specific notice of the ground of his objection?—I would.

2336. To what extent should you require the objector to specify the column against which his attack was directed, or to specify distinctly and particularly the ground of objection on which he relied?—I should require him to specify distinctly and particularly the ground on which he relied.

2337. You would allow him to give notice of objection on any number of grounds which he pleased to take?—Yes, I would.

2338. In the matter of costs, would you treat each of those as a distinct objection rendering the objector liable to costs?—No; if the objector did not succeed in striking out the name, the costs should follow as a matter of course, unless there had been a substantial alteration necessary to be made by the Revising Barrister.

2339. By a "substantial alteration" you mean a correction of the Register?—I do.

2340. Then in what respect would that law of costs differ from the existing law?—It would differ from it in this way, that under the present law the Revising Barrister can please himself whether he gives costs or not; but I should recommend that costs should follow the failure of an objection as a matter of course.

2341. Would any objector, if that were the law, ever object to a voter on any other ground than a ground which would strike his name off the list?—Yes; I dare say that he would, if the law remained as it now stands with reference to the place of abode.

2342. What would be his object in so doing?—To put the register right, knowing that the 6 *d.* which the objection would cost him would not be ill spent, if he had to work the election, to put the person's place of abode correct.

2343. You suppose that a political agent would not hesitate at incurring the expense and the risk of an objection, in order to correct a voter's address?—I think not. I do not mean to say that it would be done so generally as it is now, but I think that it would be frequently done.

2344. He would not take the trouble of objecting, in order to correct the address of a voter whom he thought to be opposed to him?—Yes; he would object to him upon the chance of his not appearing, or his not making any declaration.

2345. But he would not object to him solely with the object of correcting the register?—No.

2346. Do you think that if claimants were called upon to prove their right, or to make a statutory declaration of their right in the first instance, it would, owing to the additional trouble imposed, discourage persons from claiming?—No, I think not.

2347. Do you not find now that there is a difficulty in inducing them to take the trouble of claiming?—Yes, there is some difficulty.

2348. Would not that difficulty be increased, if you not only called upon persons to make a claim, but also to give evidence, or to make a declaration in support of that claim?—To some extent it would, certainly.

2349. What kind of proof would you require from the claimant of his right?—Simply, that the claimant should come into court, and state generally what his qualification was, or that he should make a statutory declaration before a competent authority.

2350. Would you require him to come into court in person, or might some one appear on his behalf?—Some one might appear on his behalf, but it should be some one duly authorised by him, because the phrase "some one on his behalf" in the present Act is construed in a very different sense by different barristers. Some barristers will not allow any one to appear on behalf of another unless he has been instructed, unless the person objected to shall have shown that he takes some interest in the matter. Others, again, will say in their courts, "Mr. Overseer, do you know anything of this man's qualification?" The overseer may, perhaps, say "No." The barrister will say, "Is there any one in court who knows anything of this man's qualification?" and he would take that evidence.

2351. And the consequence of it might be that a person might be registered who had even no wish to be registered?—Clearly so. A person might be registered who was qualified, but who had no wish to be registered.

2352. It has been suggested that if the objection taken to a voter were only on the ground of some incorrectness in his entry in the register not actually affecting his vote, the objector should,

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in the first instance, give him notice to correct this error, and that he should be at liberty to do so by letter to the Revising Barrister. Do you think that that would be a good plan to adopt?—Yes; I think that it would be very desirable. It would save a great deal of trouble which is now entailed upon voters and agents.

2353. Another suggestion which has been made is that it should be the duty of the overseers every year to collect and to forward to the Clerk of the Peace information of every kind which they could obtain as to errors in the register, and the Clerk of the Peace should, where he thought it necessary to obtain further information, communicate with the electors, calling their attention to the errors in their entries, and requesting them to correct them, and that such corrections, furnished by the overseers and by the electors themselves, should be sanctioned by the Revising Barrister in open court, and that as a consequence of that, private objectors should be left to object only on the ground of disqualification. Have you ever considered the policy of such a system as that?—Clerks of the Peace in many counties in England do not perform even the duties which are cast upon them at present, and, therefore, we can hardly expect that they would perform duties comprising such an enormous amount of detail in addition. Such a plan as the plan which you speak of may be perfectly feasible, I have no doubt, but you would have to create an entirely new official.

2354. You consider that the Clerks of the Peace would not be competent to undertake such a duty as I suggest?—Certainly not, owing to the variety and extent of their present duties.

2355. Supposing that an officer were appointed in each county for the purpose, do you consider that such a system would be likely to work well?—I think that it might be made to work well in intelligent hands.

2356. Would not it be an advantage that you would very greatly reduce the necessity of objection on the part of private objectors?—No question of it.

2357. I presume that the unlimited power which there is now of objecting, and the unlimited use made of objections, is one of the great evils which attaches to the present system of registration?—Yes, it is the next greatest evil to the unchecked power of getting on the register by claimants.

2358. What remedy do you suggest for that unlimited power of objecting; have you anything further to suggest in order to check it than making the objection specific, and rendering the objector more liable to costs than he is now?—No, I do not see how you can check it in any other way.

2359. Have you considered the possibility of assimilating the system of registration in counties to that which obtains in boroughs, and making it to any extent self-acting?—I have; and I think that unless you altered the form of the rate-book entirely, you could never register owners, and that even if you did alter the form of the rate-book entirely, you would then not have a satisfactory registration of owners; but I think that, subject to the same provision as exists in boroughs, there could be no objection to registering occupiers as they are now registered in boroughs.

2360. There would be no objection to registering the Chandos clause voters?—I should say not.

2361. Would you propose that the overseer should annually put on and strike off the occupation voters, in the same way as is done in boroughs?—One proposition which I should make would be, that the overseer should have nothing to do with the lists except to publish them.

2362. To whom then would you entrust the duty?—I should entrust those duties to the clerks of the unions.

2363. Would the clerk of the union have sufficient local knowledge of the Chandos clause voters, to enable him to put them on, and to strike them off?—He would get that knowledge from the overseers in his union.

2364. After all, the information would be obtained from the overseers?—In a great measure, certainly.

2365. Then what would be the advantage of bringing the clerk of the union into action at all?—Because the overseers as a body, in the rural districts, are utterly unfit and incompetent for the performance of those duties which the Act of Parliament casts upon them.

2366. Are they incompetent from want of intelligence, or from partisanship, or from both together?—I think from want of intelligence generally.

2367. You do not think that the system of self-acting registration could in any degree be extended to owners?—I think not.

2368. Would there be any sensible advantage derived from extending it to the occupation voters alone?—I cannot say that there would be much, because in the rural districts very good care is taken to register every man who has a qualification as an occupier.

2369. But that is not the case in the more populous or urban districts?—No, it is not.

2370. Would the overseer possess the information in districts of that character which would enable him to furnish information to the clerk of the union for the registration of such voters?—He would not be in possession of the information so accurately as an overseer in a rural parish would be.

2371. But still he would be in possession of it to a considerable extent?—No doubt.

2372. Sufficient to enable the clerk of the union to put on a considerable number of voters?—I should think so.

2373. In the case of owners, do not the overseers in very many instances know as a matter of fact, partly from the rate-book, and partly as a matter of notoriety, who are the owners entitled to a vote?—They do know in a great many instances, and in a great many instances they do not know.

2374. Do you see any objection to allowing them to supply information in the same way as to those voters to the clerk of the union, and to register owners as far as their knowledge extends?—The greatest possible objection.

2375. Why?—Their information would be most inaccurate.

2376. Why need it be so?—I speak from experience. I have gone through all the parishes in West Kent for years; I have gone through all the parishes of South Derbyshire; I have found, as a matter of fact, that their information is anything but accurate with respect to owners. Of course they give you some information which is accurate, because there are owners living in the parish, but they can rarely give you correct information as to owners who live only a few miles off; besides that, the rate-books themselves do

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not afford the necessary information. There are rate-books for parishes in which the name of an owner does not appear; in the column headed "Name of Owner" there is not the name of a single owner to be found.

2377. But those are very exceptional parishes, are they not?—Certainly they are few, but in the great majority of parishes the names are very inaccurate. In a tolerably large parish in West Kent, I have known property to appear as belonging to the trustees of So-and-so for years after it had ceased to be in their hands.

2378. I do not doubt that there are many errors in the column of owners; but in the majority of instances would not the information afforded by the rate-book, coupled with the general knowledge possessed by the overseers as to the history of property in their own parish, enable them to say who was entitled to a vote in virtue of that qualification?—Not unless you had, as I said just now, an altered form of rate-book.

2379. You think that the present rate-books are so deficient that they could not be made use of for the purpose of registering owners with any degree of security?—Certainly not.

2380. Not even allowing for many exceptions?—No, certainly not.

2381. Do you think that the rate-books could be so improved as to be made available for the purposes of registration?—Possibly they might be by a new form; but even then you would have, in a county, the evil aggravated which now exists of people being on the register for three, four, six, or ten different qualifications. There are cases of a man having property in thirty or forty parishes, and you would have him on every list.

2382. Supposing that it were made the duty of the overseers to attend to that column of owners, and to ascertain that the real owners were correctly entered in it, would it then be available for the purposes of registration?—Not unless you had the tenure of the property as well.

2383. Is not the circumstance, whether property is freehold or whether it is copyhold, generally pretty well known in a parish?—No.

2384. Is not that, at all events, a matter which is generally known to persons in the position of overseers?—No.

2385. Your experience tells you that, as a general rule, that information is not possessed by the overseer?—Certainly not; and where property is long leasehold, a country overseer will tell you that it is freehold; and if you say, "Oh dear no, it is leasehold for 1,000 years," he says "Well, is not that freehold?"

2386. Take the case of an owner who appeared, from the rate-book, to have a property of the annual value of 10 *l.* or upwards, it would be immaterial whether that property were copyhold or freehold, or long leasehold, would it not?—Yes.

2387. In the case of a person who appeared as owner of property of that description, would not the presumption be that the overseer would be right in entering that man as entitled to a vote?—The overseer could not know anything as to whether the property was mortgaged, or whether any one else had an interest in it, or whether there was a rentcharge upon it.

2388. And you think that there are so many cases in which he would be totally ignorant of any diminution of the value of a property of that sort, that he could not use his information for the purposes of registration with any degree of security?—No; he could not.

2389. Mr. *Evans.*] I understand you to say that, in your opinion, persons making claims for the first time ought to be required to give some proof of their qualification, or else to make some statutory declaration?—Yes.

2390. Do you not think that that would very greatly increase the difficulty of inducing persons to make fresh claims?—It might increase it to some extent, but to a very small extent, I think.

2391. Do not you find, as a matter of fact, that people very often are exceedingly backward in sending in claims?—It is a very small percentage of the whole.

2392. I presume that after a person had gone through this process which you recommend, if his vote was afterwards objected to, and he sustained his vote, you would, as a matter of course, give him substantial costs?—Decidedly.

2393. *Chairman.*] It has been suggested that in the register the list for each parish should contain the names, not only of persons qualifying for property in that parish, but also of the persons residing in that parish, and qualifying for property in other parishes in the same county, and that they should thereupon poll according to their residences, and not as they do now, according to the situation of their properties; do you think that that would be an improvement in the register?—Clearly; but it is an improvement which could only be carried out by the entire system being in the hands of one official.

2394. If it were put into the hands of the Clerk of the Peace, or, as you seem to consider would be necessary, into the hands of an official specially appointed for the purpose, then that improvement might be carried out?—No doubt.

2395. And it would be a convenience to the voters, who would vote nearest to the place where they resided?—Certainly; and it would also have this convenience, that no man being on the register for two or more qualifications could then be very well personated, because his vote must be taken at one booth; and if he were personated, it would be by somebody coming before he had arrived, and the people around would detect the fraud; but as it is now, a man is registered in six different polling districts, and that man might vote once himself, and he might be personated by five other people in the five other polling districts.

2396. If a man were numbered upon the register, and entered to poll at the place where he resided, it would, to all intents and purposes, do away with double qualification?—Yes.

2397. And that you would consider a great advantage?—A very great advantage. In fact, there is no advantage in double qualifications now; they are simply an incumbrance.

2398. Are the registers now always made out and delivered at the time when they ought to be?—No.

2399. Does any inconvenience arise from that circumstance?—About 14 months ago, when Mr. Deedes died, the register for East Kent was not ready until the 10th of December, and that was productive of some inconvenience; but that is a very early period for the register to be ready in comparison with some counties. I have brought with me a list of the counties, in which the dates are set forth, both for the year 1862 and for the year 1863, when the registers were ready for delivery by the various Clerks of the Peace; and I may

I may state that at this moment the register for the county of Radnor, which came into force on the 1st of last December, is not ready.

2400. Would you require overseers when they object to a person to give him notice of their objection, and to specify the ground of it as you would other objectors?—I think that the overseer ought to do so.

2401. Would there be any advantage in publishing a copy of the old register on the 20th of June every year, along with the notices of claim?—I think that it ought to be so. I have always thought so.

2402. Do I understand you the main suggestion which you would make to improve the present system of registration is that a new claimant should either give some *primâ facie* evidence of his claim, or make a statutory declaration in support of it?—Yes.

2403. And that upon that he should have the protection of costs?—Yes.

2404. Those are the two principal remedies which you suggest for the existing evils?—Yes; but the existing register, of course, will have to be dealt with by every person now upon the existing register making a declaration, inasmuch as there are a large number of persons upon the entire county registers of the kingdom who have no right to be upon them at all. Therefore you would have to make a fair start with the existing registers, because afterwards every one would be put in the position of a person who had proved his vote.

2405. And that fair start being once made, after that it would only be necessary for new claimants to substantiate their votes in the manner which you have suggested?—Yes.

2406. Assuming the register to be continued in its present form, do you see any way in which double entries might be got rid of?—Not unless it was enacted that the Revising Barrister should not admit one person more than once upon the same register.

2407. The Revising Barrister has no authority to deal with matters to which his attention is not called?—No.

2408. Would there be any advantage in increasing his powers and enabling him to deal with subjects to which his attention was not specially called?—I do not think that there would.

2409. Then the suggestions which you would make for the amendment of the present law of registration, are principally those two to which we have just adverted?—Yes. With reference to the copies of the register to be published by the overseers, I would make it imperative upon the Clerk of the Peace, or the officer who might have to discharge the duty, to send to every overseer a sufficient number of copies for publication, and for sale, and for inspection.

2410. Instead of putting upon the overseers the duty of having copies printed in each of their parishes?—Yes; because that duplicate printing, no doubt, costs the poor-rates of the kingdom upwards of 10,000 *l.* a-year?—The overseer receives a copy of the register from the Clerk of the Peace, with a direction to get a sufficient number of copies printed from it, and the Clerk of the Peace has in his office, at the same time, more copies than the overseer would require.

2411. I presume that if the alterations which you have suggested were made in the law, the action of political agents on each side would still be as necessary as it is now, to watch over and maintain the purity of the register?—No doubt.

2412. Do you think that so long as the county franchises continue to be as numerous and as complicated as they are, the action of such agents cannot be dispensed with?—No, it is quite impossible; but, by the suggestion which has been made, that action would be very much narrowed, and it would be confined to essentials.

2413. That is to say, if the suggestion were adopted, that the Clerk of the Peace or, as you propose, some other official, should superintend and prepare corrections in everything which was not essential?—Yes; and that claimants should establish their right to be upon the register the first time; I think that the objections would be very few.

2414. Mr. *Longfield.*] They would be confined then to the loss of the franchise?—They would.

2415. *Chairman.*] And you do not consider that the requiring of a statutory declaration, or *primâ facie* evidence, from every claimant would have the effect of materially diminishing the number of claims made?—No; I think that every man who felt a vital interest in the affairs of the country would still get on the register, and that it would only eliminate those men who are always the most troublesome at an election to both parties.

2416. In case you imposed this additional duty upon the claimant, would there be any objection to allowing him to send in his claim at any time of the year?—No; I think that he ought to be able to do that.

2417. Would there be any advantage in assigning to the County Court judges the duties which are now performed by the Revising Barristers?—I know nothing about County Court practice or County Court law, and therefore I really do not feel competent to speak upon that point, for I know nothing whatever of the routine of a County Court.

2418. Mr. *Hunt.*] You propose that persons should be able to send in claims at any time in the year. If they could be sent in all over the year, would not the inconvenience arise that some of those claims might be lost by men who were not of particular business habits, such as some country overseers?—That might arise, certainly.

2419. At present there are only a few days within which the claims can be sent in?—From the 20th June to the 20th July.

2420. And the attention of the officials is drawn to the matter at that time, and they can take care of these claims without much trouble or mental exertion?—Yes.

2421. But if it was spread over the whole year, might there not be a risk of the claims being laid aside and forgotten?—Certainly, there might.

2422. With regard to duplicate entries, would it not be possible under the present system to correct the register, with regard to those entries, so that one voter should only appear once on the register for a county or a division of a county. Would it not be possible to provide that the Clerk of the Peace should look through the register and denote by some mark those persons whose names appeared twice on the register?—I think that you could not possibly do that satisfactorily, except by carrying out the suggestion which has been made of having a supplemental list for each parish.

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2423. If you had a supplemental list, it would not include persons residing out of the county?—No.

2424. You must have a separate list for those persons?—No; the out voters would then appear in the list where the qualification arose, and would not appear in any other. The appearing in two lists, that is to say, the list of qualification and the list of residence would only apply to those voters living in the county who had property in one parish and lived in another parish.

2425. Then you would leave the out voters in the parish list mixed up with those who resided and had their qualification in the parish?—Yes, as they are now.

2426. You approve of persons being appointed to vote at the polling place which is nearest their residence?—Yes, I would make it compulsory. I do not mean as far as out voters are concerned.

2427. But all those persons living in the county?—Yes.

2428. Might it not be against the wish of persons sometimes to be transferred to the polling place nearest their residence? — It might, certainly; but a man may have a vote for a borough, and yet his business may take him a considerable distance away, and it is an inconvenience for him to come and vote.

2429. Persons, sometimes, who have property in one parish but reside in another, like to go to the place where their property is and get their friends together and take them to the poll, do they not?—Yes, that is very frequently the case.

2430. And persons who were in the habit of doing that, or who wished to do it, would complain of being transferred to another polling place without any motion of their own, would they not?—They might.

2431. Do you think that the maximum of costs as given by the Registration Act is sufficient in amount?—I do not think that it would be sufficient under such an order of things as we have been speaking of.

2432. Would you put any maximum at all?—Yes.

2433. What maximum would you put?—5 *l.*

2434. Supposing that a voter lived at the extremity of the country, you would still limit the costs to him to 5 *l.*—Yes, because he would have it in his power to make a statutory declaration, and if he chose to come, it would be his own affair.

2435. Should you like to see any alteration in the law with regard to the clause which provides for groundless or frivolous and vexatious objections?—Yes. Assuming that the state of things were to exist of which we have been speaking, I should not like the barrister to have any discretion whatever as to giving costs upon the failure of an objection; he must give them as a matter of course. I would only leave the amount in his discretion.

2436. You would have costs follow the event?—Certainly.

2437. In the case of objections on the ground of a misstatement in the place of abode, in your opinion, should that be a valid ground of objection to strike the voter off the register?—Yes, if he would not appear or take any notice of it in any way whatever.

2438. You would allow him to correct the statement of his place of abode by letter?—Yes.

2439. Without a declaration?—Yes; we do it now regularly; he might correct it by letter, by statute.

2440. But if he neither appeared nor took any steps to correct it, you would allow his vote to be struck off by the barrister?—Unquestionably. With reference to the delivery of the register, the Clerks of the Peace are directed by the present Act of Parliament to deliver the registers on the 1st of December. By a decision of the Court of Common Pleas, in the case of Brumfitt *v.* Bremner, the court decided that that clause was merely directory. I would suggest that it should be made compulsory that the register coming into force on the 1st of December should really be deliverable on that day, under a penalty; for I may state, that if the death of Mr. Puller had taken place a month sooner, you would have had no Hertfordshire register to your hand; it was only delivered about three or four days before the election.

2441. What is the remedy which you suggest for that?—That the Clerk of the Peace should be compelled by statute, under a penalty, to deliver the register on the 1st of December.

2442. You could punish the Clerk of the Peace, but how would you provide that the register should positively be ready. How do you get out of the difficulty, that by statute, the last register ceases to be the register in force, and that the fresh register does not exist; there might be a few days during which there was no register in force by statute?—I think that all the registers are copied according to the 47th section of the Act. I have not a doubt that every Clerk of the Peace in the kingdom has the register copied into a book by that time. But I have here a newspaper which bears date 28 November 1862, and the Clerk of the Peace for the county of Salop did not advertise before that day for tenders for the printing and publication of the register.

2443. Still you say, that there was by statute a register then in force?—On that day, the old register had not expired.

2444. When the register had expired by statute, and the Clerk of the Peace had not printed the new one, was there any register by law in force?—No doubt the new one was in force, but not printed.

2445. The parish lists being constituent parts of the register, were in fact the register until the printed edition came out?—No doubt; but it is quite clear that the Clerk of the Peace for the county of Salop did not contemplate performing that part of the duty which the statute cast upon him; he asked on the 28th of November for people to tender.

2446. I suppose that it would be sufficient to provide that if the register was not printed within the time laid down in the Act it should be printed at his own expense?—That would be rather a serious item in the case of South Lancashire or the West Riding of Yorkshire.

2447. *Chairman.*] Does any inconvenience arise in practice from the Revising Barristers not having time enough to get through their duties?—Very great inconvenience indeed.

2448. Is that because the time limited by statute is not always sufficiently long, or does it arise from the Revising Barrister not having made his arrangements properly, or not having the means of making his arrangements properly?—It arises from the Revising Barrister endeavouring to get through his work in less time than that in which he can get through it properly. Before

the Act 6 Vict. chap. 18 was passed the Revising Barristers were paid by the day; it was so from the time of the passing of the Reform Bill until 1843, and then they used to spin their courts out as long as it was possible to spin them; they would occupy the whole time allotted by the Act of Parliament; and when the Act of 6th Vict. c. 18 was under discussion, Sir James Graham said, that it was a system fraught with great evils, and that, in proposing that 200 guineas should be the compensation of each of the Revising Barristers, it was upon the supposition that their work would occupy 25 days. I have before me a table, showing how many days have been occupied by every Revising Barrister during the revision of 1863; the longest time that has been occupied has been for the North Riding of Yorkshire, and the boroughs within the North Riding, which was 18 days, and the shortest period was occupied by the barrister who revised some boroughs in South Lancashire and the barrister who revised the metropolitan boroughs; they occupied five days each.

2449. Was the work got through in so short a time because there was not work enough to occupy more time, or was it because it was towards the end of the time within which the business must be got through?—I think that in the case of these two gentlemen who stand lowest there was no more work to occupy them, because in the metropolitan boroughs there are never any objections, and in the boroughs revised by Mr. Denman, namely, those boroughs in Lancashire, there are very few objections; but when you come to counties where a man runs through his work in six days, and where he has a large number of objections to hear, it is quite impossible that he can do the work which his title implies. He cannot revise; it is utterly impossible that he can correct.

2450. Mr. *Collins.*] Do you think that it would be a reasonable plan that the barristers should be paid at the rate of 10*l.* a day; but that in no case should their pay exceed 200*l.*?—No doubt it would be much better than the present plan.

2451. Mr. *Sclater-Booth.*] Do you not think that it is rather a serious objection to your plan, namely, that every first claim should be proved, that it would necessitate the proving of all the claims upon the existing register?—No, because it could all be done by statutory declaration.

2452. Do you think that it is likely that Parliament would pass an Act requiring every county voter to prove his vote, which had been uncontested, perhaps, for the last half century, as distinguished from every borough voter?—It could not have been uncontested for half a century, because the registers were not in force previously to the passing of the Reform Bill.

2453. The time since the Reform Bill is quite enough for my purpose?—I do not know whether Parliament would sanction it or not, but I think that it is a thing which ought to be done, because there is no doubt that on the existing county registers there are scores of names which ought not to be there.

2454. *Chairman.*] Is there any other suggestion or observation which you wish to make to the Committee?—I would suggest that persons engaged in county registration should be able to look at the rate-book. People are empowered to inspect rate-books with reference to borough registration, and they ought to be empowered to do the same thing in counties. There are some overseers who refuse to show the rate-book.

2455. Who do you consider should be empowered to inspect the rate-book, any person interested in the registration?—Yes.

2456. Any registered elector, for instance?—Certainly, any registered elector.

2457. You have nothing else to state?—Nothing further.

2458. Mr. *Locke King.*] Is there not now great difficulty in getting people to claim?—There is some difficulty in getting some people to claim; but those are precisely the people who give the most trouble at an election, and who are really better off the register.

2459. If I understand you, you have great difficulty now in getting people even to sign the papers which are brought to them to claim their votes?—Not in the case of men who are in earnest.

2460. But taking them generally, it is so?—Certainly not.

2461. You find them in earnest after a general election, do you not?—Yes.

2462. And in the third or fourth year there is very little earnestness?—I do not think that there is so much difference as the lapse of time would lead people to imagine. I found people almost as ready to go on the register last year as they were in 1859.

2463. Should you not say that a man who would be very desirous of having his vote registered immediately after an election gets lukewarm three or four years afterwards?—Some do; but I do not think that that is of universal or even of general application.

APPENDIX.

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APPENDIX.

Appendix, No. 1.

PAPER delivered in by Mr. *W. A. James*, 26 February 1864.

SUGGESTIONS for AMENDMENT of the LAW for the REGISTRATION of COUNTY ELECTORS, *England* and *Wales*. App. No. 1.

OFFICIAL REGISTRATION.

THE two principal evils in the present system of county registration are the want of adequate provision for investigation, in the first instance, independent of political action, as to the validity of claims put forth to the county franchise, and, when the right has been established, the absence of any efficient machinery for maintaining, from time to time, accuracy in the several particulars required to be set forth in the register. The following suggestions propose to institute a system of official registration, embodying the existing machinery, and employing, under new designations, the officials now engaged in county registration.

COUNTY OFFICIALS.

Under the distinctive title of "*Registrar of Voters for the County of* ———," it is proposed that the ministerial business of forming and correcting the Register shall be superintended by the Clerk of the Peace, or, where there is an acting deputy, by the "Deputy Clerk of the Peace." "Registrar of Voters for the County of ———."

The remuneration for the services the Clerk of the Peace would be called upon to render would be arranged according to the extent of the constituency and local circumstances in each county upon a settled scale, or it might be left to the determination of the bench of magistrates. As nine-tenths of the business to be done is clerk's work, though of an important character, large fees or payments could not be fairly asked or consistently awarded.

The Clerks of the Peace are at present charged with the following duties:—

1. To send annually to the Overseers of each parish a copy of the printed instructions contained in the schedule to the Registration of Voters Act, together with a copy of the register in force for the parish.

2. To receive the published list from the Overseers.

3. To inform the Revising Barrister of the number of claims and objections, and to publish his circuit paper.

4. To deliver to the Revising Barrister at his first court the published lists for revision.

5. To receive from the Revising Barrister the lists when revised, to copy them into books, and to print and publish the new register.

The duties proposed for the "Registrar of Voters for the County," *in addition to the above*, slightly modified, are:—

1. *To maintain the register in its accuracy as to names, places, and descriptions.*

2. *To prepare corrections thereof for sanction in open Court by the Revising Barrister.*

3. *To object in certain cases.*

4. *To receive all notices of claims and objections.*

5. *To take and file the Statutory Declarations of new Claimants.*

6. *To prepare and print the lists of new Claimants, and persons objected to; and to transmit copies to Overseers for publication.*

7. *To attend each Court of the Revising Barrister himself, or by the Clerk having charge of the business.*

In large constituencies, or for local reasons, there would have to be selected a "*Chief Clerk to the Registrar*," who would be equally responsible with the Registrar for the proper performance of the business of registration. As but in two or three instances only would the work be so extensive as to occupy the whole time of the clerk, a special appointment need not be made, but these duties might be assigned to one of the principal clerks in the county office. "Chief Clerk to the Registrar."

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Overseers to the Parishes and District Registrars of Deaths.

The other local officials are "*The Overseers of Parishes*" and "*The District Registrar of Deaths.*"

Under the title of "Overseers" is, of course, included the parish officers, who now perform the duties: "Vestry Clerk," "Clerk to Parishes," "Assistant Overseer," and others.

To them would be committed very easy duties; the examination of lists, the institution of inquiries according to printed instructions, and the return thereof to the "Registrar of Voters for the County." They would also be charged with the publication of lists and public notices as at present, supply the forms of notices of claim to new claimants, and forward and report thereon to the Registrar.

Revising Barristers.

The work committed to the hands of these officials, it is observed, is preparatory only; the lists they have prepared, the information collected, and the corrections required, have to receive *judicial* investigation and sanction. This adjudication, with solution of the thousand and one legal questions and intricate difficulties to which the several county franchises give rise, is the business of the *Revising Barristers.* In their appointment, remuneration, and provision for the efficient performance of their duties, many reforms are needed, and must be introduced to ensure harmonious working of the whole, and the proper exercise of their highly important office.

Thus far has been constructed an official staff in each county, the principal superintending the work of each subordinate officer, and the whole subject to scrutiny by judicial supervision:—

1. "Registrar of Voters for the County of ——."
2. "Chief Clerk to the Registrar."
3. "The Overseers of Parishes," and "Registrars of Deaths."
4. "Revising Barrister."

Work, however, of so much importance, embracing a variety of detail, to be executed independently of each other by official staffs in all the counties of England and Wales, requires yet a guarantee for its proper and uniform execution.

"Superintending Registrar of Electors."

To ensure the efficient working of any system, the details of which are to be executed by separate officers, it is necessary to place the whole under the superintendence and guidance of a responsible head. Without this there can be no uniformity of practice, or certainty that duties imposed will be properly discharged. It is proposed to place the whole business immediately under the eye of the House of Commons, by appointing an officer of the House to be styled "*Superintending Registrar of Parliamentary Electors.*"

It would be an office of high trust and responsibility, requiring vigilance and firmness in its discharge. The selection of such an officer might be left with the Speaker; to be confirmed by a vote of the House. As with the "Registrar of Voters" in each county, so in this matter selection could possibly be made of one of the higher and more responsible officers of the House of Commons, to whose present office the new duties might be attached. For the proper discharge of them he would require no large staff and consequent expense. It is not proposed to encumber him with the details of registration in each county, but that he should superintend and overlook the performance of duties required of the local officials, and from time to time give instructions and information as they are needed, or to introduce new matters as practice would teach to be needful, or that might be suggested, tending to perfect the system of official registration. He would require at most, permanently, one or two intelligent assistants, and the temporary employment of two or three clerks, at a time when the prorogation of Parliament would afford him this assistance without any new appointments.

It would be one of his duties to lay before the House, at the meeting of Parliament, in each year, a report upon the previous registrations; the statistics afforded by the new registers, and the reports received by him from the Revising Barristers as to the manner in which the general business in each county had been executed by the officials.

Through this officer the House of Commons would have a ready means of obtaining information upon all matters within the province of his office; a channel through which inquiries could be instituted, improvements introduced, and neglect or mal-discharge of duties corrected. The knowledge of this would be an incentive to all persons engaged for the impartial and proper execution of the work with which they are entrusted, while the electors would have a guarantee that the House really had the power to protect them from abuse of the law, or improper interference with their privileges.

Means of Communication.

Safe and easy means of intercommunication between the "Registrar of Voters" and the Overseers would have to be established. Two late reforms in the Post Office, viz., security by registration of letters and the facilities for transmission of printed matter, separately or combined, would afford at once all that is required to secure a safe and sure delivery of communications; the fee to be charged for registration of letters and parcels should not be more than the twopence now charged for the registration of notices of claims and objections.

Proper and full instructions to the Registrars of Voters, Overseers, &c., would require to be prepared by the "Superintending Registrar of Electors," who would also establish an uniformity throughout the country, in printing the registers and lists, and all documents used in the business of registration.

Polling Districts and Lists.

Two matters require attention as the basis upon which the successful working of the whole rests. 1. *The Revision of appointed Polling Districts and Places.* 2. *The Re-construction and New Arrangements of the Parish Lists forming the Register.*

1. *Revision of Polling Districts and Places.*

Before the passing of the Reform Act all electors had to record their votes at one place of polling, usually the county town, the expenses of their keep and conveyance being borne by the candidates. By that Act each county was to be divided into "convenient polling districts," and a "convenient place" appointed for taking the poll. This was effected for England and Wales under the provisions of the Boundary Act, and the several places of polling for each county were set forth in a schedule. Subsequent provisions were made for the appointment of additional polling places, and the substitution of new ones, by the Statutes 7 & 8 Will. 4, and 16 & 17 Vict. c. 68. Although, in some counties, the latter statutes have been acted upon, and new places appointed, the general arrangement of districts and polling places has undergone no general revision since their first appointment in October 1832. The "Registration of Voters Act" requires the county register to be arranged according to the polling districts, and the several lists for the parishes comprising a district to be entered in alphabetical order. These parish lists are formed with reference to the situation of the *qualifying property* of the elector, and with no reference whatever to his *place of abode.* Wherever, therefore, may be situate the residence of an elector, his vote has to be recorded at the polling place for the district in which his property is situate. The elector, however distant may be his residence, has to be conveyed, at the cost of the candidate, to vote at the district in which lies his qualification. True, there is a provision in the Registration Act, that a voter may claim to have his place of polling changed; but, the power being optional, and entailing trouble on the elector, it is acted upon to a very limited extent.

As the lists are proposed to be arranged, the larger the number of polling districts appointed, the greater will be the facilities of voting and the reduction of expense. Whenever the difficult question of payment of voters' travelling expenses has come before the House of Commons, honourable Members have suggested that the mere increase of the number of polling places would cure the whole difficulty. Under the existing system of registration, it would have an opposite result; every increase would add to the expenses, and not reduce them; but under the official system proposed, every additional polling place would by so much diminish the cost of polling and conveyance.

The local circumstances of counties are so different, and in each county one district from another, that it would be impossible to frame any rules which could, without great evil, be arbitrarily enforced in all. However, there are three points to which attention should be particularly directed in determining the new districts and polling places.

First. The probable number of electors in each district, and the boundaries of parishes. *Second.* Selection, as the place of polling, of that which affords the greatest facilities of access by railway or otherwise, to the majority of the residents, and as far as practicable, would not entail on any a journey of more than three or four miles, unless by rail. *Third.* To give the preference to that town, place or village, where fitting accommodation is at hand for holding the court of revision, or taking the poll.

The first is necessary to be observed, that the number of electors be not so few that the cost of holding the court or taking the poll, shall counterbalance other saving of expense, nor so many as to give rise to the many evils that attend the assembling a large body of electors at one place. The boundaries of parishes must be observed, as the lists are formed according to those boundaries. Exception might be made, if it could be shown in particular instances that very great advantages would accrue by a division of a parish; corresponding arrangements would then be required to be made in printing the list. The second point speaks for itself. On the third much might be written, to show how ill adapted are the places now selected. Frequently, heaths, commons, and secluded spots are appointed places at which to take the poll. Consequently, resort is had to the costly wooden erections in vogue with our ancestors a century ago, the evil of which is acutely felt by the unfortunate officials who have to perform their duties, frequently in the most inclement weather; or by the invalid elector, who, in a driving rain and biting wind, has to record his vote. There is hardly a village or hamlet now that has not its parochial school-room, or in which there is not some fitting building that could be hired for the purpose; every large parish has its vestry hall or parochial offices, and every town its hall, institution, or public rooms. The necessity for attention to this is the more insisted on, as the court of revision is required to be held at this place—presumed to be the easiest of access, and most convenient to the electors required to attend. In this, as in all other parts of the work, there may be a wide difference in its extent, when applied to each county; in some, but little alteration may be needed, in others, many changes may be necessary. The new arrangement of districts, and selection of polling places, might be effected under the provisions of the statutes mentioned; or by a new enactment embodying what is practical of these provisions, and requiring the matter to be settled by the magistrates in special session on or before an appointed day.

2. *Reconstruction of Parish Lists.*

On inspecting the parish lists in any county register it will be observed that any elector whose residence is not within the same parish as his qualifying property, obtains no information as to his registration for the county from the list for the parish in which he

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resides, or from the list published on the doors of the church or chapel he attends, where it is convenient for his inspection and likely to meet his eye; and that the overseer has no information of persons *resident within his parish qualifying for property in other parts of the county.*

Such is the present arrangement; as to its reconstruction:

1st. It is proposed to form the lists as at present, according to the situation of the property, but to print the names and descriptions of the *non-resident* electors in italics.

2d. To add at the foot of each parish list the names and qualifications of electors *resident* within the parish, printed in italics in other parts of the register, in respect of property in other parts of the county.

3d. To place the register or polling number against each name not printed in italics consecutively, and to continue the numbers to the addendum list, and so carry them through to the next parish list.

Similar work is now done by the Clerks of the Peace in arranging the addendum list for each polling district, by collecting the entries in italics, and arranging them in their proper lists. The proposition is, that instead of the names being arranged in one list at the end of the polling district, the names of resident electors shall be placed at the foot of the lists for the parishes in which the electors respectively reside, and the out-voters in a separate list at the end of the district. By the aid of the Overseers and Vestry Clerks of Parishes, the work of so arranging the present registers would be easily accomplished, and for the first revision the addenda lists might be separately printed, without an entire reprint of the register. Subsequently, this duty would annually be confined to the new claimants of a county not residing within the parish in which their property is situate: perhaps, in the largest constituency, not numbering 1,000 names.

With respect to the out-voters, *i. e.*, electors whose places of abode are out of the county or division thereof, provision would be made to assign the place of polling to that district which might be considered easiest of access to each elector (subject to any claim he might make before the Revising Barrister as to alteration desired), and to print the names in an addendum list at the end of each district, as at present.

There are some 14,000 parishes in England and Wales, each having a separate list. The majority of these lists do not average fifty names, a vast number less than twenty, and many only one name; on the other hand, some lists contain many hundred names, and relate to very extensive parishes. Whenever a list is so extensive that it would be a great convenience to divide it, it would be required to be arranged in wards or other recognised parochial divisions.

The parish lists of each polling district are at present arranged in the registers in alphabetical order. It is proposed to arrange the lists by grouping the parishes, in such order that the parishes in each group have topographical relation to each other, and to prefix an alphabetical index to the lists at the head of each polling district. The necessity for this is shown by the great number of parish lists, in each of which there appear but two or three names, and when separately published afford little information to the resident electors of the district. It will be seen, when treating of the publication of lists, that it is proposed to publish in each parish the lists for the whole, or the topographically arranged part, of the polling district in which the parish is situate. The great evil resulting from the present system of preparing and printing a vast number of separate small parish lists is thus remedied, one list being published although the parishes are still kept distinct.

The advantages to be attained by these changes, easily accomplished under official registration, but impossible without it, are very great. The most important are the following:—

1. Polling places may be increased with saving of expense to candidates.

2. Electors will poll at the nearest polling place to their places of abode. The votes of near neighbours, who now have to travel to different parts of the county, will be taken by the same poll clerk. Personation, either of living or deceased voters, will thus be difficult, and any attempt thereat detected.

3. The lists will furnish candidates with all that is required for canvassing or committee-room purposes, each list exhibiting at one view the names of all electors resident within the parish, or the polling district.

4. Great facilities will be afforded to the returning officer in taking the poll.

5. The great mischief of duplicate and triplicate polling numbers would be avoided. The elector, though registered in respect of several different qualifications (provision being made to limit the number) will have but one polling number.

6. The registration lists, when published on the church doors, will afford information to every elector resident within the district, as to his proper registration for the county.

7. Overseers will have before them in one list the names and particulars of all entries upon which information is required; the overseers of one parish furnishing information

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to the "Registrar of Voters" as to death or change of residence; the overseers of another, particulars of disqualifications. These facilities will also be great safeguards against fictitious claiming.

8. The tenant or agent of an elector non-resident has full information from the list on the church doors, of the registration, and will be able to correct it; and if the elector reside within the county or division, like information may be obtained by him of the overseers of the parish in which he resides.

9. Arrangements may be made for all electors or claimants called upon to attend the court of revision, to establish their rights at the courts for the district in which they would poll, *i.e.*, for each elector resident within the county at the district in which his place of abode is situate.

10. The facility with which other means of local information tending to perfect the register in its accuracy may be had recourse to, as local circumstances may require, and the official work becomes understood and perfected.

The re-arrangement of polling districts need not be settled until the commencement of the revision of the lists for the first year of official registration. On the new arrangements being made known to the "Registrar of Voters," he would place the corrected and revised parish lists in topographical order, in each polling district, and the polling districts in alphabetical order, and print the register in the new form so arranged, together with an index.

For the first year the "Registrars of Voters" would be required, a month before issuing their first instructions to Overseers of parishes, to prepare the addenda lists, and print them in such form that they could be easily attached to the parish lists of the present register.

The following forms, Nos. 1 and 2, show the present and the proposed arrangement of the lists.

No. 1.—Form of Present List.

BRENTFORD Polling District—*continued.*

Margin for Overseer's Objections.	No.	Christian Names and Surnames of each Voter at full length.	Place of Abode.	Nature of Qualification.	Street, Lane or other like place in this Township, and Number of House (if any) where the Property is situate, or name of the Property, if known by any, or Name of the occupying Tenant; or if the Qualification consist of a Rent-charge, then the Names of the Owners of the Property out of which such rent is issuing, or some of them, and the situation of the Property.	
			TOWNSHIP OF NEW BRENTFORD—1863-64.			
	2972	Atkins James	Rose cottage, New Brentford	Freehold house	Rose-cottage	
	2973	Baker, Charles	High street	House, as occupier	High-street	
		Bevans, Henry William	*14a Mile End-road*	*Rent-charge, in lieu of tithes*	*New Brentford*	*Claims to vote at Mile End.*
	2974	Collins, Frederick	South-street, Lancaster	Copyhold land	Half acre	
	2975	Clark, Samuel	New Brentford	Share in leasehold houses	High-street	
	2976	Daniels, Edward	High-street, Manchester	Share in freehold tolls	Brentford bridge	
	2977	Edwards, Arthur John	French-street, Sunbury	Fee farm rent	Brentford, Wilson, owner	
	2978	Ellis, Rev. Archibald	Parsonage house	Freehold benefice	New Brentford	
	2979	Franks, William	Sutton-street, Clerkenwell	Freehold land	In the parish lane	
	2980	Garrett, John Thomas	High-street	House in joint occupation	High-street	
	2981	Harvey, Augustus	New Brentford	Leasehold house	Own occupation	
	2982	Herbert, William Henry	Exmouth, Devon	Leasehold houses	High-street	
	2983	Jackson, Richard	The Coach and Horses	Freehold house	The Coach and Horses	
	2984	King, Alexander	High-street	House, as occupier	High-street	
	2985	Long, Thomas	Milk-street, Cheapside	Copyhold land	New Brentford, James Wilson, tenant	
	2986	Manning, Edward	The Retreat, Brentford	House, as occupier	The Retreat	
		Nunn, Samuel	*Birmingham*	*Freehold land*	*New Brentford*	*Claims to vote in London.*
	2987	Purkiss, Charles	Heath, Hampstead	Leasehold premises	In the Town	
	2988	Reeve, Henry	Lily cottage, Hackney	Copyhold	Green-lane, Robert Stone	
	2989	Russell John	New Brentford	Freehold tithe rent-charge	Ealing-lane	
	2990	Smith, James	Southampton	Freehold land	Brentford-road	
	2991	Sparks, Jonathan	Upper End, Brentford	House, as tenant in occupation	New Brentford	
	2992	Thompson, Joseph	South-street, Dublin	Leasehold house	High-street	
	2993	Thornton, James	Myrtle Cottage, Brentford	£.50 occupier	Brentford	
	2994	Watson, Charles	Broadway, Hammersmith	Freehold	High-street	
	2995	Williams, Alfred	Chase side, Enfield	Copyhold farm	Upper farm	
	2996	Wood, Richard	New Brentford	Land in occupation	The Brickfield	
	2997	Young, Frederick J.	Edgware	Share in freehold	Robert Gordon, tenant	

No. 2.—Form of Proposed List.

BRENTFORD Polling District. [Part A.—*continued*].

Margin for Overseer's Objections.	No.	Christian Name and Surname of each Voter at full length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other like Place in this Township, and Number of House (if any) where the Property is situate, or Name of the Property, if known by any, or Name of the occupying Tenant; or if the Qualification consisted of a Rent-charge, then the Names of the Owners of the Property out of which such Rent is issuing, or some of them, and the situation of the Property.	Polling Places of Non-resident Voters.
			TOWNSHIP OF NEW BRENTFORD—1863-4.			
	292	Atkins, James	Rose Cottage, New Brentford	Freehold house	Rose Cottage	
	2973	Baker, Charles	High-street, New Brentford	House as occupier	High-street	
		Bevans, Henry William	*14a, Mile End-road, E.*	Freehold rent-charge in lieu of tithes	High Field Farm	*Mile End*
		Collins, Frederick	*17, South-street, Lancaster*	Copyhold land	The Half Acre	*King's Cross*
	2974	Clark, Samuel	High-street, New Brentford	Share in leasehold houses	High-street	
		Daniels, Edward	*15, High-street, Manchester*	Share in freehold tolls	Brentford Bridge	*King's Cross*
		Edwards, Arthur John	*French-street, Sunbury*	Fee farm-rent on freehold land	Green-lane (R. Robins, tenant) James Wilson, owner	*Bedfont*
	2975	Ellis, Rev. Archibald	Parsonage, Brentford	Freehold benefice	New Brentford	
		Franks, William	*29, Sutton-street, Clerkenwell*	Freehold land	Brentford Butts	*King's Cross*
	2976	Garrett, John Thomas	High-street, Brentford	House as joint occupier	High-street	
	2977	Harvey, Augustus	New Brentford	Leasehold house	Own occupation	
		Herbert, William Henry	*Exmouth, Devon*	Leasehold houses	High-street	*King's Cross*
	2978	Jackson, Richard	The Coach and Horses, Brentford	Freehold house	The Coach and Horses	
	2979	King, Alexander	High-street	House as occupier	High-street	
		Long, Thomas	*27, Milk street, Cheapside*	Copyhold land	James Wilson, tenant	*London*
	2980	Manning, Edward	The Retreat, Brentford	House as occupier	The Retreat	
		Nunn, Samuel	*Birmingham*	Freehold land	New Brentford	*King's Cross*
		Purkiss, Charles	*Heath, Hampstead*	Leasehold premises	High-street	*Hampstead*
		Reeve, Henry	*Lily Cottage, Hackney*	Copyhold land	Green-lane, Robert Stone, tenant	*Bethnal Green*
	2981	Russell, John	New Brentford	Freehold tithe rent-charge	On land, Ealing lane, Thomas Jay, owner	
		Smith, James	*Southampton*	Freehold land	Brentford-road	*Westminster*
	2982	Sparks, Jonathan	Upper End, Brentford	House as occupier	New Brentford	
		Thompson, Joseph	*South-street, Dublin*	Leasehold house	High-street	*King's Cross*
	2983	Thornton, James	Myrtle Cottage	House as occupier	Myrtle Cottage	
		Watson, Charles	*Broadway, Hammersmith*	Freehold house	High-street	*Hammersmith*
		Williams, Alfred	*Chase Side, Enfield*	Copyhold farm	Upper Farm	*Enfield*
	2984	Wood, Richard	New Brentford	Land as occupier	The lower brickfield, Green-lane	
		Young, Frederick James	*Edgware, Middlesex*	Share in freehold house	Robert Gordon, tenant	*Edgware*
		VOTERS described as resident in *this parish* whose qualifications are not situate therein.				Parish.
	2985	Andrews, Charles	High-street, New Brentford	Freehold house	27, Wilson-street	*St. Giles in the Fields*
	2986	Bailey, John	The Willows, Brentford	Leasehold house	Chase Side	*Enfield*
		**Bailey, John*	*Willows, New Brentford*	Freehold house	276, Euston-road	*St. Pancras*
	2987	Lines, William	New Brentford, Middlesex	Freehold rent-charge on freehold houses	High-street, Richard Burt, owner	*Hampstead*
	2988	South, Henry	Brentford Butts, Middlesex	Leasehold house	Park House	*Uxbridge*
	2989	Wood, Herbert	New Brentford	Freehold house	27, Fleet-street	*St. Dunstan's west*

(The Out-Voters would appear in a list placed at the end of each polling district in the Register.)

COUNTY REGISTRATION.

The work of official county registration can now be proceeded with.

Instructions from "Superintending Registrar."

Instructions would be first issued by the "Superintending Registrar of Parliamentary Electors" to the "Registrar of Voters" in each county, as to the formation of the Addenda Lists, and he would afford them what assistance and information might be needed in the performance of the work. Subsequently, instructions would be given as to their other duties, and information in relation thereto as from time to time required.

Occasional reports would be required from the "Registrars of Voters" and the "Chief Clerks to Registrars" as to the progress of these matters, that assurance might be had that they were understood and properly attended to.

Provision as to "Out-Voters."

After the first revision, when the machinery of official registration would be put into satisfactory working order, provisions might be introduced for the collection, by the "Superintending Registrar," of the several lists of "out-voters," which, as before explained, would be placed in the register at the end of each polling district. Lists could be prepared therefrom and might be submitted to examination, as to correctness of address, &c., by the postmasters or district superintendents, under a system arranged with the authorities of the Post Office, and the result transmitted to the "Registrars of

of Voters." Until this could be satisfactorily accomplished, other provisions would be made for the correction of the "places of abode" of this important class of voters.

Correction of the Register.

Registrar to forward copy of the Register in force, and printed instructions to Overseers.

On or before the 1st day of May in each year the "Registrar of Voters" would forward to the overseer of each parish the list of voters for the district, or topographically arranged part thereof, from the register in force (for the first year, also the printed addendum list) with printed instructions for the performance of his duties. These duties are to make inquiries as to the several particulars of each registration in the list, so far as relates to its accurate description as to names, places, and things; to mark in the margin of the list all errors of description therein; to notify all deaths, removals, and changes of qualification known to him to have taken place, and to report as to any person who "he shall have reasonable cause to believe is not entitled to be registered in respect of the qualification stated in the list."

The same to the District "Registrar of Deaths."

In some districts it may be desirable to have the lists for each polling district examined by the "District Registrars of Deaths," in which case the lists would be forwarded to them, as well as to the overseers, with proper instructions for examination and return.

Provision as to "Out-Voters."

On or before the 1st of May, in the first year of official registration, the "Registrar of Voters" would forward by post, addressed to the elector at the "place of abode" described, the printed extract from the register of each entry on a prepared form, relating to the registration of any elector not described as residing within the county, riding, parts, or divisions thereof; requiring an examination as to its accuracy, and its return, with corrections, if necessary, on or before the 1st of June. This would be repeated every third year, or until other arrangements were completed by the "Superintending Registrar of Electors."

Overseers to complete inquiries, and return Lists.

The overseers or the parish officers whose duty it is, in practice, to attend to the duties of registration imposed upon overseers, would return their lists with notes thereon, under the provisions for post-office registration, to the Registrar by the 1st of June; and a similar return would be made by the "District Registrars of Deaths." The overseers would at the same time notify to the "Registrar of Voters" the probable number of copies of the lists they might require for publication on the church and chapel doors.

To notify No. of copies required for publication.

The Revising Barrister would have power to fine overseers (not exceeding 5 *l.*) for inattention to duties, non-correction of lists, or wilful disobedience of instructions.

Registrar to enter information in a copy of the Register.

"The Registrar of Voters," or, practically, the "Clerk to the Registrar," will examine each list received, and deal in the following manner with the marginal notes and information it may contain :—

Copy of Register for Revision.

(1.) Selecting a copy of the register in force, and dividing it into polling districts, he would cause all trivial corrections, typographical errors, changes of tenants, renumbering of houses, or renaming of streets, &c., to be recorded therein, by making the necessary correction in red ink. Against entries of electors reported to be deceased, in the LEFT-hand margin of the list he would write the word "*Dead*;" where the information (if correct) would disqualify the elector, he would write the word "*Objected*," and shortly the cause:—as "*Objected—Sold*," or the like; or "*Objected—Gone*," where occupation is an essential part of the qualification. If voters have "removed," or are "not known" at the place of abode given, these words will be written in the margin of the list, but *not* the word "*Objected.*" Against the names of persons of whom the overseers report they have "reasonable cause to believe are not entitled," he will place the word "*Objected*" only. Where the particulars given of the place of abode, or the situation of the property, are so vague that either cannot be identified, he will place a red cross against the name in the *copy returned by the Overseer*.

The objections to be marked in margin of list.

To enter returns from "Out-Voters."

In like manner the "Registrar of Voters" will deal with the lists returned by the "Registrars of Deaths;" and with the returns received from "*Out-Voters*," or returned to him by post through the "Dead Letter Office." With respect to the latter, where a new address or particulars are correctly given, the necessary correction would be made in the copy, and the "return" filed, to be produced before the Revising Barrister.

Where the corrections and marginal notes had reference to an entry in italics, or *vice versâ*, the Registrar would repeat the correction or note in the corresponding entry in next type, or as the case may be. The elector would thus have double information of the corrections required.

The selected list will thus be marked: All proposed corrections will be noted in red ink; in the margin will appear the several objections taken, and new addresses required, viz. :—

"Dead."
"Objected—Sold"—and the like.
"Objected—Gone."
"Objected."
"Removed."
"Not known."

Copy to be kept for inspection.

The list so prepared would be retained for revision by the Revising Barrister: a second

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Copy of Register for Publication.

second copy would be kept at the "Office of the Registrar of Voters," for inspection by any registered elector, on payment of a fee of 2*s.* 6*d.* for each polling district examined. No inspection would be permitted of the list returned by the Overseer.

Registrar to prepare copies of Parish Lists of the Register in force, with "objections" marked for publication and sale.

2. The "Registrar of Voters" would then select another copy of the list, and enter on the left-hand margin thereof, the words "Dead," "Objected," (but without stating the cause) "Removed" and "Not known," against the names of electors as they appear in the first copy. He will then cause to be prepared the number of copies thereof required for publication and sale.

Registrar to transmit lists to overseers with forms of "Notice to the Public" for publication.

The "Registrar of Voters" would, on or before the 25th of June, transmit to the overseers of each parish the copies of the register in force for the district or topographically arranged part thereof, with the marginal objections marked, together with a sufficient number of copies of the public "Notice," for publication forthwith on the church and chapel doors. The overseers would also be supplied with copies for sale.

Overseers publish lists and "Notice."

The overseers would forthwith publish the lists and notices received by them from the "Registrar of Voters." The sale of copies might be at the present scale of charges, with a provision that at the same scale copies might be obtained at the office of the "Registrar of Voters."

"Public Notice" to persons to send in claims to Registrar.

The notice would call upon all persons duly entitled, *not* upon the register, on or before the *first* day of *August*, to send in their notices of claim to "The Registrar of Voters for the county of ————————," according to the form set forth, or, so addressed, to deliver the same to the overseer of the parish, who in due course would forward them. Electors, in whose present description there was any inaccuracy, or against whose names might appear the words "removed," or "not known," would be called upon to give notice of the corrections required in the form given, or to the like effect. The notice would further state, that should no proof, to the satisfaction of the Revising Barrister, of the right to be registered in respect of the qualifications stated in the list, be given by electors against whose names appeared the word "*objected*," the entries would be expunged.*

Electors to give notice of reclaim when corrections required.

Registrar to send notice to Voter when marked "removed," "not known," &c.

To those electors against whose names appear the words "*removed*" and "*not known*," and in the Overseer's copy of the register the "Registrar of Voters" had placed a mark for vagueness of description, he would, after transmission of the lists to the overseers, forward by post a printed notice and form, requiring the correction to be made, or a fuller and better description to be given on or before the 1st day of August. This provision is necessary as a check upon the information of the Overseer, otherwise an elector might be deprived of the franchise through error or design. The notice would state, that unless the correction were made the elector would be liable to have his name expunged from the list.

If not corrected, the words to be printed in the margin of new register, and entries expunged at following revision.

If the form be returned and the information given, the name of the voter would appear in the list of reclaimants. If no return be made, the words "removed," "not known," "too vague," would be printed in the margin of the new register; and if by the following year the correction were not made, the "Registrar of Voters" would add thereto the word *objected*, and the name would be expunged at the revision.

The work left to the overseers requires no great skill and learning—they are asked only as to matters presumed to be within their knowledge, or respecting which they can with ease obtain information. In most large parishes there is an appointed "Vestry Clerk," or "Clerk to the Parish," and in many others an "Assistant Overseer," whose offices are permanent, and by whom the registration business is now transacted on behalf of the overseers. The persons holding these offices are generally known to the Clerk of the Peace, or to the clerk in the county office who has hitherto had charge of the registration business. Communication would, therefore, soon be established between these gentlemen and the "Registrar of Voters," or the "Chief Clerk to the Registrar," and arrangements made that the work might be properly performed annually, without difficulty arising.

The provisions for correcting the register with regard to removals and the like, are framed to secure the franchise to the elector until he has had a fair opportunity of making the corrections needed. No complaint can be justly made, after the facilities and notice an elector would have, if his name should be expunged at the second revision for the want of his own attention. Errors in the place of abode and the like are not disqualifications in a man's right to vote—still, the marginal notes printed in the register for the year would lead to inquiry during an election, and be sufficient to deter the boldest from attempting to vote if not in possession of the qualification, and so render himself liable to imprisonment, and to the penalties imposed by the existing law upon electors who presume to vote, having parted for 12 months with their qualifications. On the other hand, the removal of these names from the register at the following revision, is absolutely necessary, unless the register is to continue permanently a mass of errors and confusion.

It will be observed, that with the publication of the notice to send in claims, the register in force, with the marginal notes, is placed before the public; and by this means facilities are

* In each case of proposed correction, the Registrar would send a circular letter to the voter, informing him of the correction proposed to be made, and a like notice to each person marked in the list "objected to."

are afforded by which persons qualified may learn whether they are correctly registered or not, in ample time to remedy any defect. Under the present law no such facilities are given,—the public notice to send in new claims is given a month before the register lists are published. When these appear upon the church and chapel doors, and electors see the errors of description therein, or persons qualified learn that they are not enrolled, the time has passed for making the correction, or serving the notice;—nothing can be done until the following year, when again the necessity for attention to the matter is brought to mind only by seeing the lists on the church doors.

The arrangement for supplying the overseers with the number of copies required of the "register in force," for publication, from the office of the Clerk of the Peace, abolishes the annual wasteful *duplicate* reprint of the register, executed separately by 100 or 200 printers throughout a county. Usually there are all the copies required lying useless in the County Office, but provision could easily be made, when printing the register, to meet any requirements a year's experience would show to be necessary.

With one exception (referred to hereafter) the power to object on the ground of misdescription, which is now the basis of nine-tenths of objections served, is entirely taken from registered electors, and will not shield them from the infliction of heavy costs. The business of Registration Societies will be confined to their legitimate object and purpose: securing to their respective parties the enrolment of their supporters, while the accuracy of the particulars in the register will be maintained by independent official action. Neither society nor any registered elector would be able to harass and deprive political opponents of the franchise by reason of errors of description, but each would be interested in keeping upon the register its political friends, by seeking and providing the new addresses and descriptions pointed out to be necessary by the "Registrar of Voters."

New Claimants.

Notice of claim to be given.

All persons entitled but not registered would be required to send in notice of claim to the "Registrar of Voters," delivered at the office of the Registrar, served by post, or delivered to the overseers, and forwarded by them on or before the 1st day of August.

Accurate and full particulars to be required by Registrar.

The particulars would be required to be fully set forth with clearness and accuracy, and it would be the duty of the "Registrar of Voters," in case of omission of necessary particulars, to require amended notice, and to send a form to the claimant; but the claimant's name, nevertheless, would be inserted in the list.

Uniformity in describing the "Nature of Qualification," and the requisite particulars to identify the property, and the place of abode of each claimant, would be required to be observed by each Registrar. Each claimant would be required to give as his place of abode his usual place of residence, so described, that a letter posted within the county or the division thereof would easily reach him; or, having no fixed place of residence, such an address that he might be easily found and identified.

Claimant may make "Statutory declaration" of right.

Any person, if so desirous, would be enabled at the time of giving notice of his claim, without payment of any fee, to make before the "Registrar of Voters" or "the Chief Clerk to the Registrar," or before the Judge of any County Court within the county, a statutory declaration under 6 Will. 4, c. 62, of the truth of the particulars set forth, and of his right to be registered in respect thereof. Proper forms of these declarations would be supplied by the "Registrar of Voters." Declarations to be filed to be open to inspection on payment of a small fee, and to be produced before revising barrister. No registered elector would be entitled to question the right of any such claimant, but on giving ten days' notice before the holding of the court of revision, and be liable to the same costs as he would be if the claimant's name were upon the register in force.

Registrar of one county to take declarations in certain cases for other counties.

"Registrar of Voters" of one county would take statutory declarations of electors residing therein claiming to vote for other counties, and forward such declarations by post to the "Registrar of Voters" for the counties to which they respectively relate.

Primâ facie evidence required in revision Court.

In all cases in which statutory declarations were not made, the revising barrister would require *primâ facie* evidence of the right of each claimant in respect of the qualification set forth, either by testimonial confirmation by the claimant, or by some one on his behalf, given in open court, or by a verified written statement of the claimant, supported by the testimony of the overseer, or the evidence of the rate-book; and if the revising barrister be not satisfied thereof by such testimony, he would expunge the names. Overseers of parishes would be required to produce rate books for preceding twelve months. Registered electors would be entitled to call evidence to rebut claims.

Rate books to be produced in certain parishes.

Persons making wholly groundless or frivolous claims to be subject to costs.

Groundless claimants subject to costs.

In the absence of records, as in cities and boroughs, affording almost infallible data as to the possessors of the franchise, no other course is open than to require *primâ facie* proof in support of the assertion made to the right. The "Statutory Declaration" is such proof, and would be a great convenience, as an aid to the registration of persons duly qualified. Any registered elector would still be able to question the right, should he have reason to do so, but the claimant, as to costs, would be put on the same footing as a registered elector.

App. No. 1.

Objections by Registered Electors.

Registered Electors may object in certain cases.

Any registered elector would be entitled to object to any other elector upon the "register in force," on any of the following grounds:

1. Personally disqualified.
2. Qualification set forth does not entitle elector to have his name retained.
3. As to entries in existing registers, that description is too vague to identify the voter or the qualifying property.

Ground of objection to be stated in Notice.

On or before the 20th of August, notice would be given to the electors and notice to the "Registrar of Voters" in the forms and manner prescribed. In each notice the ground or grounds of objection would be required to be stated.

On the 3d ground Elector may make "Statutory Declaration," and correct description if objection not thereupon withdrawn; objector liable to costs.

If the ground of objection be that the "description is too vague for identification," the elector would be entitled to make a statutory declaration before the "Registrar of Voters" of the possession of the qualification, and to amend the description. Notice thereof would be given by the Registrar to the objector, and permission given to him to inspect the declaration. Should the objection not be thereupon withdrawn, or within ten days of the holding of the Court of Revision, objector to be made liable to costs.

Ground of objection stated only to be answered. Costs to be awarded on groundless objections.

Persons objected to would be required to answer only the ground of objection stated, and the Barrister would have power to award costs, not exceeding *three pounds*, for groundless or frivolous and vexatious objections.

List of New Claimants and list of persons objected to to be prepared and printed.

On or before the last day of August, the Registrar would prepare the *List of New Claimants*, accurately setting forth all the particulars required, including, but distinctly marked, all re-claims to amend descriptions; and also the *List of Persons objected to*, against whom he had received due notice. These lists, topographically arranged in the order of the parishes, would be printed for the respective polling districts, and a sufficient number of copies transmitted to the Overseers of the parishes within the respective polling districts, for publication and sale. The Registrar would also prepare, arranged according to polling districts, and in the order in which the entries appear in the register, a "List of all entries in the register in force proposed to be expunged by reason of re-claims made by electors," and would keep copies for sale.

List of entries in register proposed to be expunged by reason of re-claims to be prepared.

These provisions confine the right of objection by registered electors to three grounds; the first and second refer to such particulars as would cause removal of the names from the list; the third affect only entries in existing registers, which could be corrected. The Revising Barrister would have power to award a maximum sum of £. 3 as costs, in his discretion, should the objection be groundless, or frivolous and vexatious. In practice this sum would meet fairly the most vexatious case, while it would not prevent a proper exercise of the power where the objector had good reason to believe that the person registered was not entitled. The third ground is confined to entries in the existing registers, as under the official system it is presumed that the Revising Barrister would have been properly satisfied in the first instance of the right of the elector to be registered, and would have taken care that the particulars were sufficiently stated, while any corrections afterwards required would be made under the provisions for official correction of the register.

Arrangements for Holding the Courts of Revision.

Reports as to Nos. of claims and objections to be forwarded to "Superintending Registrar of Electors."

On or before the 25th day of August in each year, the "Registrar of Voters" would forward to the "Superintending Registrar of Electors" a report as to the number of claims and objections in each polling district. The town clerks of cities and boroughs would also report, upon inquiry, as to the extent of business likely to require the attention of the Revising Barrister in each parliamentary city and borough. The reports would likewise give such other information as would be necessary for the "Superintending Registrar of Electors" to determine the number of courts convenient to be held in each county, for the county, and cities, and boroughs respectively.

"Superintending Registrar" to arrange with Revising Barristers the days and times for holding courts.

A certain number of Revising Barristers for each circuit would be appointed, to whom the "Superintending Registrar of Electors" would communicate the reports of Registrars, with remarks thereon, and make arrangements with them as to the county and boroughs to which they should be assigned, and the number of Courts of Revision to be held.

Public Notice to be given by Registrar and Overseers of the places, days and times appointed for holding courts.

The "Superintending Registrar of Electors" having arranged with the Revising Barristers the number of courts, and the days and times on which they are to be held, would forward the circuit paper to the Registrar of Electors, who would publish the same forthwith, and transmit copies for publication to the Overseers.

A short report from each Revising Barrister as to the manner in which the general business of registration in his county has been attended to, for the information of the House of Commons, would be a guarantee that proper attention would be given by the officials, and enable complaints in respect thereto to be answered, and, if necessary, remedies to be applied.

Mode of Proceeding at Revision Courts.

The "Registrar of Voters," or his representative, would attend each Court of Revision and deliver to the Revising Barrister the lists to be revised, *i.e.*, the prepared copy of the register and the list of new claimants, and also the lists of objections, the original lists received from the Overseers, statutory declarations, returns from out-voters, and other papers necessary for his information.

Registrar of Voters to attend Court of Revision.

The Overseers would attend the court according to the summons received from the Registrar of Voters, and give information upon matters in which it was required.

Overseers to be summoned to attend.

Besides the cost of preparing and printing small parish lists, a large aggregate expense is now incurred in the attendance of Overseers at the Revision Court, when nothing whatever is required of them, there being no alteration in the list, claims, nor objections. The annual cost to a parish for the registration of three or four names is, in innumerable instances, at the rate of ten shillings per name, and sometimes more. It is proposed not to require the attendance of Overseers of small parishes unless summoned by the Registrar of Voters.

Powers would be vested in the Revising Barrister to make such corrections in the list or in the register in force as might be shown to be necessary, and, being satisfied that those marked by the Registrar upon the information of the Overseers were proper to be made, he would place his initials in the margin against each correction, and would expunge the names of all persons known to be dead, or the nature of whose qualifications was insufficient in law to qualify, or the situation of the property was so vaguely described that it could not be identified, unless upon *primâ facie* proof of qualification the particulars should be supplied to his satisfaction.

Mode of correction of the register.

The Revising Barrister would revise the list of new claimants, expunging the names of all persons respecting whose qualifications there was no *primâ facie* evidence submitted or testimonial confirmation offered before him; and would hear and determine all objections made to registered electors whether by overseers or by voters.

Revision of the list of new claims.

Objections to registered electors.

The existing law as to post-office service of notices, appeals on points of law, recovery of costs, and penalties upon officials for wilful acts, power to administer oaths, and similar necessary provisions, would be re-enacted.

Existing law as to appeals, &c.

As the lists were revised and signed by the Revising Barrister, they would be delivered to the Registrar of Voters, who would prepare and print the new register by the 30th of November.

Revised lists to be handed to Registrar; and new register to be printed.

The register would be conclusive evidence to the returning officer at an election that each voter retained the same qualification for which his name was inserted, with the provisions now contained in the 79th section of the Registration Act, as to penalties on persons voting who had, twelve months previously, parted with their qualifications.

Register conclusive evidence at the poll.

In the work of revision, the Revising Barrister would be greatly assisted at the court by the representative of the "Registrar of Voters," and the business would be easily executed, as the greater part of the manual work now imposed upon the Revising Barristers would already have been completed in the corrected copy of the register in force laid before him, his initials only being required where the corrections received his sanction.

Appendix, No. 2.

PAPER furnished by Mr. *Lewis*, and referred to in his Evidence of 4 March 1864.

CLAUSE.

App. No. 2.

EVERY Notice of Objection to a voter on a county register shall be in the form (A.), and there shall be specified therein the ground or nature of such objection, and also, with reasonable certainty and particularity, the facts or circumstances upon which the objection is founded. No objection shall be allowed to be taken or supported before the Revising Barrister, except upon the facts or circumstances stated in such notice, and the Revising Barrister shall disallow any notice of objection which in his judgment shall not be in conformity with this Act.

(A.)

FORM of NOTICE of OBJECTION, with Examples of Statement of Grounds of Objection.

To on the Register of Voters for the [division of the] county of for the parish [or township] of

I object to your name being retained on the Register of Voters aforesaid, in respect of the following entry—

[*Entire entry to be copied here.*]

And the nature and particulars of my objection are as follows:—

As to Column 1.—Your name is incorrectly stated. The proper entry should be—[*here state what is alleged to be the proper correction*].

Column 2.—Your address is incorrect [*or incomplete*]. The proper [*or sufficient*] address is—[*here state what is alleged to be the proper or sufficient address*].

Column 3.—The nature of your qualification is not correctly stated in the register, but should be stated as follows:—[*Here state what is alleged to be the real nature of or the qualification.*]

(*a*). The clear value of the property in respect of which you are registered is not sufficient to entitle you to be registered.
(*b*). You are not qualified as freeholder [*leaseholder, copyholder, or occupier, as the case may be*] of the qualifying property for ; you are only a trustee without any beneficial interest.
(*c*). You are entitled to such property only through your wife, and the same is settled to her separate use.
(*d*). You are under-lessee, and not in possession.
(*e*). You are not sole occupier, and the amount of rent payable by you individually in respect of the qualifying property is not sufficient.

Column 4.—The description of your qualifying property is incorrect or incomplete; the proper (or sufficient) description is—[*Here state the same as it is alleged it should be*].

Personal Disqualifications.—You are personally disqualified to be registered, because you are,—

(*a*). An alien.
(*b*). A peer.
(*c*). A police constable.
Or otherwise, as the case may be.

Dated this day of 186 .

Name

Address

On the Register of Votes for the Parish or Township of

Appendix, No. 3.

PAPER furnished by Mr. *Birchall*, and referred to in his Evidence of 11 March 1864.

RETURN of the Number of Names on the Registers for each Division of Lancashire, in each of the Years 1862–63 and 1863–64; the Number of New Claims added to each Register in each of those Years; the Number of Objections made in each Division in each of those Years; and, the Number of Names expunged from each Register in each of those Years. App. No. 3.

	1862–63.		1863–64.	
	NORTH.	SOUTH.	NORTH.	SOUTH.
The number of names on the Registers for each division of Lancashire, in each of the years 1862–63 and 1863–64 - - - - - -	12,765	23,140	12,924	22,390
The number of New Claims added to each Register in each of those years	1,650	5,193	1,796	3,782
The number of Objections made in each Division in each of those years	1,622	16,468	1,918	13,468
The number of names expunged from each Register in each of those years	1,475	5,554	1,637	4,532

Preston, 9 April 1864.

Thomas Birchall,
Deputy Clerk of the Peace for Lancashire.

I N D E X.

[*N.B.*—In this Index the *Figures* following the Names of the Witnesses refer to the Questions in the Evidence; those following *App.* to the Pages in the Appendix; and the Numerals following *Rep.* to the Pages in the Report.]

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O

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2. *Suggestions for an Amended System.*
3. *Conclusions of the Committee.*

1. *Evils of the present System of Objection:*

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2. *Considerations as to the fitness of these Officers for their present or increased duties.*
3. *Other Evidence and Suggestions as to the functions now performed or o be performed by the Overseers.*

1. *Proposed Extension of the functions of the Overseers in reference to County Registration:*

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FIRST AND SECOND

REPORTS

FROM THE

SELECT COMMITTEE

ON

SEAT OF UNDER SECRETARY OF STATE;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
22 *and* 27 *April* 1864.

Lunæ, 18° *die Aprilis*, 1864.

Resolved, THAT the Provisions of the Act 21 & 22 Vict. c. 106, s. 4, have been violated, and that a Select Committee be appointed to inquire whether the Under Secretary of State who was last appointed to that Office thereby vacated his Seat.

Jovis, 21° *die Aprilis*, 1864.

Committee nominated of—

Sir George Grey.	Sir William Heathcote.
Mr. Disraeli.	Mr. Massey.
Mr. Walpole.	Lord Robert Cecil.
Mr. Attorney General.	Mr. Bright.
Sir Hugh Cairns.	Mr. Serjeant Kinglake.
The Lord Advocate.	Mr. Hunt.
Mr. Gathorne Hardy.	Mr. Dodson.
Mr. Attorney General for Ireland.	

Ordered, THAT the Committee have power to send for Persons, Papers and Records.

Ordered, THAT Five be the Quorum of the Committee.

Veneris, 22° *die Aprilis*, 1864.

Ordered, THAT the Committee have power to report their Observations and Opinion from time to time to The House.

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FIRST REPORT.

THE SELECT COMMITTEE appointed to inquire whether the UNDER SECRETARY of STATE who was last appointed to that Office thereby vacated his SEAT;——HAVE considered the matters to them referred, and have come to the following RESOLUTION, which they have agreed to report to the House:

Resolved,—

THAT it is the opinion of this Committee that the Marquis of Hartington having applied to be heard by Counsel, the Committee are of opinion that it is expedient to accede to the Marquis of Hartington's application.

22 April 1864.

SECOND REPORT.

THE SELECT COMMMITTEE appointed to inquire whether the UNDER SECRETARY of STATE who was last appointed to that Office thereby vacated his SEAT;—HAVE further considered the matters to them referred, and have come to the following RESOLUTION, which they have agreed to report to the House:

Resolved,—

THAT it is the opinion of this Committee that the Seat of the Under Secretary of State last appointed is not vacated.

27 April 1864.

PROCEEDINGS OF THE COMMITTEE.

Veneris, 22° *die Aprilis*, 1864.

MEMBERS PRESENT:

Mr. Hunt.	Mr. Dodson.
Mr. Attorney General.	Lord Robert Cecil.
Mr. Walpole.	Mr. Attorney General for Ireland.
Mr. Massey.	Mr. Disraeli.
Sir William Heathcote.	The Lord Advocate.
Mr. Gathorne Hardy.	
Mr. Serjeant Kinglake.	

Mr. MASSEY was called to the Chair.

The following letter from the Marquis of Hartington was read:—

"Sir, 22 April 1864.

"I HAVE the honour to inform you that I am desirous of appearing by Counsel before the Committee of which you are the Chairman, and request that you will lay my application before the Committee.

"I have, &c.

"The Chairman of Committee on Seat of Under Secretary of State." (signed) "*Hartington*."

The Committee deliberated.

Motion made, and Question, "That the Marquis of Hartington having applied to be heard by Counsel, the Committee are of opinion that it is expedient to accede to the Marquis of Hartington's application"—(Mr. *Walpole*)—put, and agreed to.

Ordered to report the above Resolution to the House.

[Adjourned to Tuesday next, at Eleven o'clock.

Martis, 26° *Aprilis*, 1864.

MEMBERS PRESENT:

Mr. MASSEY in the Chair.

Mr. Walpole.	Mr. Attorney General for Ireland.
Sir George Grey.	Mr. Serjeant Kinglake.
Mr. Disraeli.	Lord Robert Cecil.
Sir William Heathcote.	Mr. Dodson.
Sir Hugh Cairns.	Mr. Hunt.
Mr. Gathorne Hardy.	Mr. Attorney General.
The Lord Advocate.	

Order of the House of the 25th instant read as follows:—"*Ordered*, That the Marquis of Hartington be at liberty to appear by his Counsel and Agents before the Select Committee appointed to inquire whether the Under Secretary of State who was last appointed to that office, thereby vacated his Seat."

Sir George Grey, a Member of the Committee, handed in the following paper:—

"Under Secretaries of State with Seats in Parliament:

Mr. Fortescue - - - - - - - - - - - 18 June 1859.
Mr. Baring - - - - - - - - - - - - 25 June 1859.
Mr. Layard - - - - - - - - - - - 15 August 1861.
And have continued in the office of Under Secretary of State from these respective dates to the present time.

Mr. Bruce - - - - - - - - - - - 21 November 1862.
And continued until Monday, 18 April 1864.

Lord Hartington - - - - - - - - - - - 28 April 1863.
And still retains office."

Mr. *W. Vernon Harcourt* and Mr. *FitzJames Stephen* appeared as Counsel for the Marquis of *Hartington*.

Messrs. *H.* and *T. W. Toogood* as Agents.

Mr. *Vernon Harcourt* was heard on behalf of the Marquis of *Hartington*, and contended that Under Secretaries of State were not within the statute of 6th Anne, or of the Act known as Burke's Act, and that the Acts of 1855 and 1858 did not contemplate the vacating of the Seat.

[Adjourned to To-morrow, at Eleven o'clock.

Mercurii, 27° die Aprilis, 1864.

MEMBERS PRESENT:

Mr. MASSEY in the Chair.

Sir George Grey.	Mr. Attorney General for Ireland.
Mr. Disraeli.	Sir William Heathcote.
Mr. Walpole.	Lord Robert Cecil.
Mr. Attorney General.	Mr. Hunt.
The Lord Advocate.	Mr. Dodson.
Mr. Gathorne Hardy.	Sir Hugh Cairns.

The Committee deliberated.

Motion made, and Question proposed, "That the Seat of the Under Secretary of State last appointed is not vacated"—(Mr. *Attorney General*).—Amendment proposed, to leave out from the first word "the" to the end of the Question, in order to add the words, "Office of Under Secretary to the Principal Secretary of State, to which the Marquis of Hartington was on the 28th of April 1863 appointed, was a new office of place or profit under the Crown, within the meaning of section 25 of the 6th Anne, c. 7":—(Sir *Hugh Cairns*)—instead thereof.—Question put, "That the words proposed to be left out stand part of the Question:"—The Committee divided:

Ayes, 7.	Noes, 5.
Sir George Grey.	Mr. Disraeli.
Mr. Attorney General.	Mr. Walpole.
The Lord Advocate.	Sir Hugh Cairns.
Mr. Attorney General for Ireland.	Mr. Gathorne Hardy.
Sir William Heathcote.	Lord Robert Cecil.
Mr. Hunt.	
Mr. Dodson.	

Main Question put:—The Commitee divided:

Ayes, 6.	Noes, 6.
Sir George Grey.	Mr. Disraeli.
Mr. Attorney General.	Mr. Walpole.
The Lord Advocate.	Sir Hugh Cairns.
Mr. Attorney General for Ireland.	Mr. Gathorne Hardy.
Sir William Heathcote.	Lord Robert Cecil.
Mr. Dodson.	Mr. Hunt.

Whereupon the Chairman declared himself with the Ayes.

Resolved, "That the Seat of the Under Secretary of State last appointed is not vacated."

Motion made, and Question, "That the above Resolution be reported to the House," put, and agreed to.

Ordered to Report.

FIRST AND SECOND

REPORTS

FROM THE

SELECT COMMITTEE

ON

SEAT OF UNDER SECRETARY OF STATE;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
22 *and* 27 *April* 1864.

226.

Under 1 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

STANDING ORDERS (PARLIAMENTARY DEPOSITS);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

APPENDIX AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
22 *June* 1864.

Martis, 26° *die Aprilis*, 1864.

Ordered, THAT a Select Committee be appointed to inquire into the operation of the Standing Orders of this House, and of the Act 9 & 10 Vict. c. 20, which regulate the depositing of money, or of public securities, with the Courts of Chancery in England and Ireland, and the Court of Exchequer in Scotland, in respect of works and undertakings requiring the authority of Parliament by Private Bills.

Veneris, 29° *die Aprilis*, 1864.

Committee nominated of—

Mr. Scourfield.	Mr. Adair.
Mr. Milner Gibson.	Mr. Heygate.
Mr. Massey.	Mr. Selwyn.
Lord Hotham.	Mr. Kirkman Hodgson.
Colonel Wilson Patten.	Mr. Crawford.
Mr. Sotheron Estcourt.	Mr. Westhead.
Mr. Edward Egerton.	Mr. Tite.
Colonel French.	

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Mercurii, 15° *die Junii*, 1864.

Ordered, THAT the Report from the Select Committee on Private Bill Legislation (1863), and Special Report from the Select Committee on Standing Orders, in the case of the Sheffield, Chesterfield, and Staffordshire Railway Bill, be referred to the Committee.

Mercurii, 22° *die Junii*, 1864.

Ordered, THAT the Committee have power to report their Opinion and Observations, together with the Minutes of Evidence taken before them, to The House.

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REPORT.

THE SELECT COMMITTEE appointed to inquire into the operation of the STANDING ORDERS of this HOUSE, and of the Act 9 & 10 Vict. c. 20, which regulates the depositing of Money or of Public Securities, with the Courts of Chancery in *England* and *Ireland*, and the Court of Exchequer in *Scotland*, in respect of Works and Undertakings requiring the Authority of Parliament by Private Bills;—HAVE considered the matters to them referred, and have agreed to the following REPORT:—

YOUR COMMITTEE, in the prosecution of the inquiry entrusted to them, have examined several witnesses practically acquainted with the private business of Parliament, and have had the advantage of the information contained in the Reports of Parliamentary Committees, appointed from time to time on subjects comprehending or intimately connected with the particular matter to which their attention has been directed.

From an early period of Railway Legislation, it has been the policy of Parliament to require some security for the public against the introduction of Railway projects by parties not possessed of the means to carry them into effect, and Reports of Committees appointed, from time to time, in order to devise means for accomplishing this object, as well as the Standing Orders and Acts of Parliament founded on their recommendations, clearly show what have been the intentions of Parliament in this respect; viz., to obtain a substantial security for the competency of the promoters of any Bill.

Two principal modes of attaining this object have been adopted; the one a subscription contract, whereby certain parties were required to bind themselves and their legal representatives to subscribe towards the undertaking, and to pay up a sum equal to three-fourths of the estimated cost of the work; the other, a deposit on behalf of the Promoters of the Bill, with the Accountant General of the Court of Chancery, of a sum equal to eight per cent. of the estimate, which deposit was, by certain clauses, prescribed to be inserted in every Bill authorising a new Undertaking, to be retained in the hands of the Accountant General, until one-half of the capital had been expended on the works. With reference to projects brought forward by existing Companies, the only difference is that though the deposit is the same, that deposit is returned as soon as the Bill becomes law, and a penalty of 50 *l.* a day is substituted for the impounding of the money in the case of new Companies.

In the year 1858, in pursuance of the recommendations of a Select Committee, the Standing Orders, so far as they related to the Subscription Contracts, were repealed. The deposit system, however, which up to this time had existed concurrently with the subscription contract, was still continued, and Standing Order No. 60, which was at the same time slightly altered in its form, thenceforward contained the requirements of the House in that respect.

This Order specifies the amount of the deposit required and the mode in which it is to be lodged, but the regulations respecting the custody and the conditions and means of procuring the release of the deposit at the proper period had been prescribed by Acts of Parliament.

The Act now in force for this purpose is the 9 Vict. c. 20. It was passed in the year 1846, in lieu of the former Act for the same purpose, the 1 & 2 Vict. c. 117, which was thereby repealed.

The avowed object of the new Act was to afford facility, and to save expense to promoters of Railway Bills by enabling them to deposit with the Accountant General, in lieu of actual money, any Government securities of equal value, in which they might have previously invested the moneys subscribed for the undertaking.

Parliament, in granting this facility, at the same time expressed in terms which to Your Committee appear sufficiently explicit, its intention that any stock so deposited in lieu of money should be the proper funds of the promoters, and available for the purposes of the undertaking.

Until the year 1861 the practice which was carried out, as the Act prescribed, through the agency of the clerks of the Private Bill Office of the House of Commons, continued to be in accordance with the above-stated view of the intention of the Legislature.

Warrants to deposit stock with the Accountant General were issued to parties appearing to be the actual promoters of the undertaking.

In the year 1861, however, it was suggested by an applicant for a warrant that the terms of the Act might be construed so as to authorise the deposit of stock belonging to parties not connected with the undertaking, and that the warrants might be legally issued to such parties. To this suggestion the clerks of the Private Bill Office, acting on their own responsibility, acceded, and a new and different practice, founded upon this construction of the law, commenced, which has since been very extensively acted upon.

The course of proceeding which in consequence of this change of practice is commonly adopted is as follows:—

The promoters of a Railway scheme, instead of raising funds of their own in order to provide the deposit, apply to other parties, such as bankers or insurance companies, for the loan of so much stock as is required to supply the necessary eight per cent. This stock is not transferred into the names of the borrowers, but continues to stand in the names of the lenders, and in their names it is deposited with the Accountant General *ex parte* the projected Railway scheme. It is, however, contrary to the intention of either party that the stock so lent should be locked up in Chancery until the Bill has become law. The Bill, as passed, would, as a matter of course, contain a clause providing for the absolute detention of the deposit, as a security for the completion of the line; whereas the stipulations between borrower and lender distinctly provide for the repayment of the borrowed deposit, so soon as it has served the purpose of the borrowers, and before the Bill reaches its final stage in Parliament; and the rules of the Court of Chancery forbidding the repayment of the money to any other party than the lender, this obligation on the part of the borrower is secured by a distinct guarantee given to the lender by the Parliamentary solicitor or agent for the Bill, whereby he binds himself in effect that the Bill shall not be read a third time in the second House, through which it has to pass, until the stock lent for the deposit has been returned; and in order to enable him to take upon himself this obligation, with the certainty of being able to fulfil it, the solicitor, on his part, secures himself by an undertaking (given to him by the promoters of the scheme) that he shall have an entire and exclusive control over the Bill, so as to enable him, at his own will, to withdraw it in case the means of the stipulated repayment should fail.

The process now described, and which Your Committee believes has been acted upon to a considerable extent during the last two years, was for the first time publicly disclosed in the evidence given before the Select Committee on the Sheffield, Chesterfield, and Staffordshire Railway Bill in the present Session, and it formed the subject of a Report presented to the House on the 18th of March last by the Select Committee on Standing Orders, who were specially instructed by the House to inquire into the circumstances of that case.

Your Committee concur with the opinion expressed in that Report (which is borne out by the evidence they have received on the subject), that this mode of making deposits through the medium of third parties, and with stock borrowed for the occasion, under the circumstances above stated, of an obligation to return it, constitutes an evasion of the securities provided by Parliament to ensure the *bonâ fide* character of Railway undertakings.

It

It will be seen that a deposit, under such circumstances and obligations is no test either of the *bona fides* of the promoters of an undertaking, or of their competency to carry it out. One or two individuals with sufficient credit may obtain a temporary loan under the restrictions named, with no power over the money borrowed, in order to make a colourable deposit, until they see whether, during the progress of the Bill through Parliament, they can enlist a sufficient number of supporters of their scheme.

This practice is at variance with the usual terms of the preambles of Bills, which state that " the persons hereinafter named (with others) are willing, at their own expense, to execute the works," and ask to be made a body corporate for that purpose, when all that can be said with truth is that the promoters hope to find such persons. In the meanwhile they may cause by their notices the depreciation of property, and destroy the confidence in the permanency of occupation necessary for the carrying on and extension of business in large towns, and the progress of building operations; they may prevent the completion of sales, and put parties opposing them to enormous expense, as has been proved by evidence before Your Committee; and they may subject Parliamentary Committees to lengthened investigation, without there being adequate means to form a judgment whether the public has taken such an interest in the undertaking as to justify Parliament in granting the powers sought for.

As an illustration of the consequences of this practice, the applications for Private Bills for which deposits are required, presented to Parliament in the Session of 1864, being in number 290, in the case of 148, or more than the half of this number, the warrants for payment of the deposits have been granted to parties other than the promoters. This number includes all the Metropolitan Railway Bills, which caused so much excitement and alarm in the Metropolis, and rendered a departure from the usual modes of Parliamentary procedure in connexion with them necessary.

The awarding compensation or costs to parties who have been harassed by the promotion of speculative and unsound schemes is the most obvious remedy for some of the evils complained of. This question was not distinctly referred to Your Committee, and practical difficulties have hitherto prevented other Committees which have examined it from recommending the adoption of such remedy. Your Committee, however, are so strongly impressed with the belief that some provision with reference to costs is requisite to complete and render efficacious the security against speculative and vexatious projects, which the deposit system was intended to establish, that they venture to submit to the consideration of the House the following suggestion:

When the Committee on a Bill are unanimous in their decision that the preamble is not proved; and, further, unanimously report that the proposed scheme was either unnecessary or unsuitable to the requirements of the district, the opponents shall be entitled to the costs of their opposition, out of the deposit; such costs to be taxed by an officer of the House, according to a scale to be laid down by Act of Parliament, or by Standing Orders

Your Committee are fully aware that the efficacy of any remedies suggested by them must depend on the power and determination of the parties who administer the Private Business of the House to carry them into execution; they recommend, therefore, that the Committee on Railway Bills should, in every case, require evidence from the promoters as to the financial arrangements of the company, and that such inquiry should be preliminary to the inquiry into the merits of the proposed scheme.

A return made to Parliament of the amount invested to the account of the Accountant General as deposits on the Railway Bills presented to Parliament during the present Session, shows the sum of 6,322,889 *l.* 17 *s.* 3 *d.* so invested, representing a capital of nearly 80 millions, the estimated amount of the sum required to complete the Railways for which Bills are sought. When the inducement to the evasion of Regulations is so powerful, the continued vigilance of all parties connected with the conduct of the private business of Parliament is absolutely necessary to meet the varying modes by which such evasion is likely to be attempted.

In recommending the remedies contained in the annexed Resolutions, Your Committee are fully sensible that it would be very undesirable to discourage, by unnecessary precautions, the application of the capital and enterprise of the country to the construction of Railways; but when such extensive powers are sought from Parliament affecting the rights of private property, and inflicting, in many cases, so much injury on individuals, they consider that the credit of Parliament is involved in the strict maintenance of such securities as it may from time to time provide against the improper application for and exercise of such powers; they do not apprehend a restriction of legitimate enterprise, and believe that any delay caused by the strict observance of Parliamentary Regulations would be more than compensated by a diminished expense in litigation, better considered plans, and more economy in the construction of works.

The Committee have agreed to the following Resolutions:—

THAT with a view to afford some assurance of the *bona fides* of the parties promoting Railway Bills, and of their competency to carry their projects into effect, the following conditions be required:

1. That in the case of all Bills authorising the construction of works, by a new company, a statement be inserted in a Schedule to the Bill of the names, residences, and descriptions of subscribers to the Undertaking, and also of the sums contributed by way of deposit, and paid by them respectively, amounting in the aggregate to not less than 8 per cent. of the estimated cost, and that no subscription be for a less sum than 20 *l.*

2. That payment be made into the Bank of England, under the same regulations as now prescribed by Standing Order 60, and the Act 9 Vict. c. 20, of the above subscribed amount of 8 per cent.

3. That a clause be inserted in each Bill, in which, after reciting the fact of the subscription having been made, and the amount paid, as stated in the Schedule, it shall be enacted that, so soon as it shall be proved to the satisfaction of the Board of Trade that the Company has paid up one-half of their authorised share capital, and has expended that amount on their undertaking, it shall be lawful for the Company to withdraw the sum deposited for the purposes of the undertaking; and thereupon they shall issue shares to the subscribers or their assigns, to the amount represented by their respective subscriptions.

4. That the above requirements shall not apply to any incorporated Company seeking power to construct new works, provided the new capital to be raised is not greater than the existing authorised capital of the Company, and provided that the Company is paying a dividend upon its ordinary stock. For Companies so exempted the present 50 *l.* a day penalty shall be retained until the same shall amount to 8 per cent. on the estimated cost of the works, together with interest, at the rate of 5 per cent. on the balance remaining unpaid from the date of the Act to the date of the final payment.

5. That so much of Standing Order 143 as directs the Committee to inquire into the financial condition of the Company, be altered so as to include an inquiry into the *bona fides* of the subscription above-mentioned.

PROCEEDINGS OF THE COMMITTEE.

Jovis, 5° die Maii, 1864.

MEMBERS PRESENT:

Mr. Scourfield.	Mr. Egerton.
Mr. Massey.	Lord Hotham.
Colonel French.	

Mr. *Scourfield* called to the Chair.

[Adjourned to Wednesday, at One o'clock.

Mercurii, 11° die Maii, 1864.

MEMBERS PRESENT:

Mr. SCOURFIELD in the Chair.

Mr. Sotheron Estcourt.	Mr. Heygate.
Mr. Tite.	Mr. Selwyn.
Colonel Wilson Patten.	Mr. Kirkman Hodgson.
Colonel French.	Mr. Crawford.
Mr. Massey.	Mr. Brown Westhead.
Mr. Egerton.	

Mr. *George Kettilby Rickards,* Mr. *Maurice Conry,* and Mr. *Charles Edward Stewart,* were severally examined.

[Adjourned to Monday, 23 May, at Twelve o'clock.

Lunæ, 23° die Maii, 1864.

MEMBERS PRESENT:

Mr. SCOURFIELD in the Chair.

Colonel French.	Lord Hotham.
Colonel Wilson Patten.	Mr. Brown Westhead.
Mr. Tite.	Mr. Edward Egerton.
Mr. Massey.	Mr. Crawford.

Mr. *R. K. Gibbons,* Mr. *Henry Mayne,* and Lord *Redesdale,* attending by permission of the House of Lords, were severally examined.

[Adjourned to Friday next, at Twelve o'clock.

Veneris, 27° die Maii, 1864.

MEMBERS PRESENT:

Mr. SCOURFIELD in the Chair.

Mr. Tite.	Mr. Sotheron Estcourt.
Mr. Massey.	Mr. Brown Westhead.
Lord Hotham.	Colonel Wilson Patten.
Mr. Crawford.	Mr. Edward Egerton.
Colonel French.	

Mr. *George Pritt,* Mr. *Dudley Coutts Marjoribanks,* a Member of the House, and Mr. *Robert Baxter,* were severally examined.

[Adjourned to Monday, at One o'clock.

Lunæ, 30° *die Maii*, 1864.

MEMBERS PRESENT:

Mr. SCOURFIELD in the Chair.

Colonel Wilson Patten.	Mr. Edward Egerton.
Mr. Massey.	Mr. Crawford.
Lord Hotham.	Mr. Selwyn.
Colonel French.	Mr. Tite.
Mr. Sotheron Estcourt.	

Mr. *Samuel Carter* examined.

Room cleared; the Committee deliberated.

Mr. *Henry Mayne* re-called, and examined.

Room cleared; the Committee deliberated.

Motion made, and Question proposed, "That on the application of the last witness, the case submitted by him to Mr. Welsby on the 16th April last, and the opinion of Mr. Welsby thereon, dated 18th April, be printed in the Appendix to the Proceedings of the Committee"—(Mr. *Chairman*).—Question put, and negatived.

Mr. *Samuel Carter* re-called, and further examined.

Mr. *Nathaniel Massey*, a Member of the Committee, examined.

[Adjourned to Tuesday the 7th June, at Twelve o'clock.

Martis, 7° *die Junii*, 1864.

MEMBERS PRESENT:

Mr. SCOURFIELD in the Chair.

Mr. Brown Westhead.	Colonel Wilson Patten.
Lord Hotham.	Mr. Massey.
Colonel French.	Mr. Hodgson.
Mr. Heygate.	Mr. Sotheron Estcourt.
Mr. Egerton.	Mr. Tite.
Mr. Crawford.	

The Committee deliberated.

Resolutions proposed by the Chairman, read, as follows:—

"That with a view to afford some assurance of the competency of parties promoting Railway Bills to carry their projects into effect, the following conditions be required:—

"1. That in the case of all Bills authorising the construction of new Works, subject to the exception hereafter mentioned in the case of Companies previously incorporated, a statement be inserted in a Schedule to the Bill of the names, residences, and descriptions of subscribers to the Undertaking, with the sums contributed and paid by them respectively, amounting in the aggregate to not less than 10 per cent. of the estimated cost. No such subscription to be for a less sum than 100 *l.*

"2. That payment be made into the Bank of England, under the same regulations as now prescribed by Standing Order 60, and the Act 9 Vict. c. 20, of the above subscribed amount of 10 per cent.

"3. That a clause be inserted in each Bill, in which, after reciting the fact of the subscription having been made, and the amount paid, as stated in the Schedule, it shall be enacted that, so soon as it shall be proved to the satisfaction of the Board of Trade that the Company has paid up one-half of their authorised share capital, and has expended that amount on their undertaking, it shall be lawful for the Company to withdraw the sum deposited; and they shall then issue shares to the subscribers or their assigns, to the amount represented by their respective subscriptions.

"(This would be done by an alteration of the clause now prescribed by Standing Order 144, for impounding the deposits).

"4. That

"4. That the above requirements shall not apply to any incorporated Company seeking power to construct new works, provided the new capital to be raised is not greater than the existing authorised capital of the Company, and provided that the Company is paying a dividend upon its ordinary stock.

"5. That for Companies so exempted the present 50 *l.* a day penalty clause shall be retained.

"6. That so much of Standing Order 143 as directs the Committee to inquire into the financial condition of the Company, be modified so as to include an inquiry into the *bona fides* of the subscription above-mentioned."

Motion made, and Question proposed, "That, with a view to afford some assurance of the competency of parties promoting Railway Bills to carry their projects into effect, the following conditions be required:—That in the case of all Bills authorising the construction of new works, subject to the exception hereafter mentioned in the case of Companies previously incorporated, a statement be inserted in a Schedule to the Bill of the names, residences, and descriptions of subscribers to the undertaking, with the sums contributed and paid by them respectively, amounting in the aggregate to not less than 10 per cent. of the estimated cost. No such subscription to be for a less sum than 100 *l.*"—(Mr. *Chairman.*)—Amendments made.—Question put, and agreed to.

Motion made, and Question proposed, "That payment be made into the Bank of England, under the same regulations as now prescribed by Standing Order 60, and the Act 9 Vict. c. 20, of the above subscribed amount of 10 per cent."—(Mr. *Chairman*).

Amendment proposed, to leave out "ten," and insert "eight"—(Colonel *Wilson Patten.*)—Question, That the word "ten" stand part of the Question.—Committee divided:

Ayes, 4.	Noes, 7.
Mr. Massey.	Colonel Wilson Patten.
Lord Hotham.	Mr. Estcourt.
Mr. Heygate.	Mr. Egerton.
Mr. Brown Westhead.	Colonel French.
	Mr. Hodgson.
	Mr. Crawford.
	Mr. Tite.

The word "eight" inserted.—Main Question, as amended, put, and agreed to.

Motion made, and Question proposed, "That a clause be inserted in each Bill, in which, after reciting the fact of the subscription having been made, and the amount paid, as stated in the Schedule, it shall be enacted, that, so soon as it shall be proved to the satisfaction of the Board of Trade that the Company has paid up one-half of their authorised share capital, and has expended that amount on their undertaking, it shall be lawful for the Company to withdraw the sum deposited; and they shall then issue shares to the subscribers or their assigns, to the amount represented by their respective subscriptions. (This would be done by an alteration of the clause now prescribed by Standing Order 144, for impounding the deposits)"—(Mr. *Chairman*).—Amendments made.—Further consideration postponed.

Motion made, and Question proposed, "That the above requirements shall not apply to any incorporated Company seeking power to construct new works, provided the new capital to be raised is not greater than the existing authorised capital of the Company, and provided that the Company is paying a dividend upon its ordinary stock. That for Companies so exempted the present 50 *l.* a day penalty clause shall be retained"—(Mr. *Chairman*).—Amendments made.—Question put, and agreed to.

Motion made, and Question proposed, "That so much of Standing Order 143 as directs the Committee to inquire into the financial condition of the Company, be modified so as to include an inquiry into the *bona fides* of the subscription above-mentioned"—(Mr. *Chairman*).—Amendments made.—Question put, and agreed to.

Mr. *Henry Mayne* re-called, and further examined.

[Adjourned to Wednesday, the 15th, at Twelve o'clock.

Mercurii, 15° die Junii, 1864.

MEMBERS PRESENT:

Mr. SCOURFIELD in the Chair.

Lord Hotham.	Colonel French.
Mr. Egerton.	Colonel Wilson Patten.
Mr. Selwyn.	Mr. Massey.
Mr. Brown Westhead.	Mr. Sotheron Estcourt.

Mr. *C. E. Stewart* re-called, and handed in Return, and two Letters referred to in his evidence of 11th May.

Draft Report proposed by the Chairman, read 1°, as follows:—

"1. Your Committee, in the prosecution of the inquiry entrusted to them, have examined several witnesses practically acquainted with the private business of Parliament, and have had the advantage of the Reports of Committees of your House, appointed from time to time on subjects comprehending or intimately connected with the particular matter to which their attention has been directed.

"2. From an early period of Railway Legislation, it has been the policy of Parliament to require some security for the public against the introduction of Railway projects not affording substantial guarantee for the competency of the Promoters to carry them into effect, and Committees of both Houses have been appointed, from time to time, in order to devise means for accomplishing this object.

"3. The Reports of these Committees, with the Standing Orders and Acts of Parliament, founded on their recommendations, clearly show what have been the intentions of Parliament in this respect.

"4. Two principal modes of attaining this object have been adopted; the one a subscription contract, whereby certain parties were required to bind themselves and their legal representatives to subscribe towards the undertaking, and to pay up a sum equal to three-fourths of the estimated cost of the work; the other, a deposit on behalf of the Promoters of the Bill, with the Accountant General of the Court of Chancery, of a sum equal to eight per cent. of the estimate, which deposit was, by certain clauses, prescribed to be inserted in every Bill authorising a new undertaking to be retained in the hands of the Accountant General, until one-half of the capital of the undertaking had been expended on the works.

"5. The former of these securities, the subscription contract, was, after short experience, proved to be unavailing. It was found to be so difficult a task for the Committees, to which the Bills were referred, to ascertain the *bona fides* of the contract, by an investigation into the character and pecuniary circumstances of the subscribing parties, that the attempt to do so was, after a short time, practically abandoned, and the contract became an illusory form. So manifest was this failure, that a Select Committee, which was appointed in 1857 to revise the Standing Orders affecting Private Bills, recommended that the subscription contract should thenceforth be abolished, which was accordingly done. The deposit system, however, which up to this time had existed concurrently with the subscription contract, was still continued, and Standing Order No. 60, which was at the same time slightly altered in its form, thenceforward contained the requirements of the House in that respect.

"6. This order specifies the amount of the deposit required and the mode in which it is to be lodged, but the regulations respecting the custody and the conditions and the means of procuring the release of the deposit at the proper period, had been prescribed by Acts of Parliament.

"7. The Act now in force for this purpose is the 9 Vict. c. 20. It was passed in the year A. D. 1846, in lieu of the former Act for the same purpose, the 1 & 2 Vict. c. 117, which was then repealed.

"8. One of the avowed objects of the new Act, as explained by its authors, was to afford facility and to save expense to promoters of Railway Bills by enabling them to deposit with the Accountant General, in lieu of actual money, any Government securities of equal amount, in which they might have previously invested the moneys subscribed for the undertaking.

"9. Parliament, in granting this facility, at the same time expressed in terms, which to your Committee appear clear and unambiguous, its intention that any stock so deposited in lieu of money should be the actual and genuine product of so much of the subscribed capital, and consequently a part of the proper funds of the promoters of the undertaking.

"10. Until

" 10. Until the year 1861, the practice which was carried out, as the Act prescribed, through the agency of the Clerks of the Private Bill Office of the House of Commons, continued to be in accordance with the above-stated view of the intention of the Legislature.

" 11. Warrants to deposit stock with the Accountant General were issued to parties appearing to be the actual promoters of the undertaking.

" 12. In the year 1861, however, it was suggested by an applicant for a warrant that the terms of the Act might be construed so as to authorise the deposit of stock belonging to parties not connected with the undertaking, and the warrants might be legally issued to such parties. To this suggestion the Clerks of the Private Bill Office, acting on their own responsibility, acceded, and a new and different practice, founded upon this construction of the law, commenced, which has since been very extensively acted upon.

" 13. The course of proceeding which in consequence of this change of practice is commonly adopted is as follows:—

" The promoters of a railway scheme, instead of raising funds of their own in order to provide the deposit, apply to other parties, such as bankers or insurance companies, for the loan of so much stock as is required to supply the necessary eight per cent. This stock is not transferred into the names of the borrowers, but continues to stand in the names of the lenders, and in their names it is deposited with the Accountant General *ex parte* the projected railway scheme. It is, however, contrary to the intention of either party that the stock so lent should be locked up in Chancery until the Bill has become law; for the Bill, as passed, would, as a matter of course, contain a clause providing for the absolute detention of the deposit, as a security for the completion of the line.

" 14. The stipulations between borrower and lender distinctly provide for the repayment of the borrowed deposit, so soon as it has served the purpose of the borrowers, and before the Bill reaches its final stage in Parliament.

" 15. This obligation on the part of the borrower is secured by a distinct guarantee given to the lender by the Parliamentary solicitor or agent for the Bill, whereby he binds himself in effect that the Bill shall not be read a third time in the second House, through which it has to pass, until the stock lent for the deposit has been returned; and in order to enable him to take upon himself this obligation, with the certainty of being able to fulfil it, the solicitor, on his part, secures himself by an undertaking (given to him by the promoters of the scheme) that he shall have an entire and exclusive control over the Bill, so as to enable him, at his own will, to withdraw it in case the means of the stipulated repayment should fail.

" 16. The process now described, and which your Committee believes has been acted upon to a considerable extent during the last two years, was, for the first time, publicly disclosed in the evidence given before the Select Committee on the Sheffield, Chesterfield, and Staffordshire Railway Bill in the present Session, and it formed the subject of a Report presented to the House on the 18th of March last by the Select Committee on Standing Orders, who were specially instructed by the House to inquire into the circumstances of that case.

" 17. Your Committee concur with the opinion expressed in that Report (which is borne out by most of the evidence they have received on the subject), that this mode of making deposits through the medium of third parties, and with stock borrowed for the occasion, constitutes an evasion of the securities provided by Parliament to ensure the *bonâ fide* character of Railway undertakings.

" 18. It will be seen that a deposit, under such circumstances and obligations, is no sufficient test either of the *bona fides* of the promoters of an undertaking, or of their competency to carry it out. One or two individuals with sufficient credit may obtain a temporary loan under the restrictions named, and with no power over the money borrowed, in order to make a colourable deposit, until they see whether, during the progress of the Bill through Parliament, they can enlist a sufficient number of supporters on their scheme.

" 19. The preamble of the Bill usually states that 'the parties hereinafter named (with others) are willing, at their own expense, to execute the works,' and ask to be made a body corporate for that purpose, when all they can say with truth is that they hope to find such parties. In the meanwhile they may cause by their notices the depreciation of property, and destroy the confidence in the permanency of occupation necessary for the carrying on and extension of business in large towns, and the progress of building operations; they may prevent the completion of sales, and put parties opposing them to enormous expense, as has been proved by evidence before your Committee; and they may subject Parliamentary Committees to lengthened investigation, without there being adequate means to form a judgment whether the public has taken such an interest in the undertaking as to justify Parliament in granting the powers sought for.

Mr. Marjoribanks, 575. Mr. Stewart, 195, 196, 200, 206.

" 20. As an illustration of the consequences that may follow from a disregard of the obligation imposed by Parliament on the Promoters of Railway Bills, your Committee invite attention to the following fact. The applications for Private Bills for which deposits are required, presented to Parliament in the Session of 1864, amounted to 290. In the

180.

case of 148, or more than the half of this number, the warrants for payment of the deposits have been made to parties other than the promoters, a practice inconsistent, in the opinion of your Committee, with the Act regulating them. This number includes all the Metropolitan Railway Bills which caused so much excitement and alarm in the Metropolis, and rendered a departure from the usual modes of Parliamentary procedure in connexion with them necessary.

"21. The awarding compensation or costs to parties who have been unnecessarily exposed to expense or loss by the promotion of Railway Bills, would seem to be one of the most obvious remedies for some of the evils complained of. This subject, however, was not distinctly referred to your Committee, and practical difficulties have hitherto prevented Committees who have examined it from recommending the adoption of such remedy. Your Committee fully concur in the opinion expressed by Mr. Rickards, that the absence of such redress forms a very strong argument for providing the necessary security beforehand against plans being improperly brought forward; and that if promoters cannot be punished who harass other parties by making them pay costs, preliminary security ought to be taken that they are proper and competent persons to obtain the power they seek.

"22. Your Committee are fully aware that the efficacy of any remedies suggested by them must depend on the power and determination of the parties who administer the Private Business of the House to carry them into execution. They would observe that whilst the Standing Order 143 directs that the Committees on Railway Bills shall direct their attention especially 'to the financial arrangement made or proposed by the Company formed for the execution of the Railway, the number and amount of shares actually subscribed for or agreed to be taken, the amount of share capital and of loans proposed to be authorised, and the sufficiency of the estimates for the works,' the evidence of witnesses examined before your Committee, and that previously appointed on the Private Business of the House, 'tends to prove that such investigation is rarely made, probably from the feeling that the deposit (which has proved so fallacious) is a sufficient security on this matter.' The same witnesses express their opinion that the examination might be, with advantage, more strictly exercised. Your Committee concur with the opinion, and should much regret if the Committee to whom Railway Bills are submitted should ever consider themselves relieved from the duty of making any examination of the financial condition of the parties seeking a Bill, which the evidence given before them seemed to require.

Mr Pritt, 546.

Mr. Carter, 806, 807, 809.

Mr. Massey, 871, 872.

Mr. Pritt, 547.

Mr. Rickards, 162.

Mr. Stewart, 276.

"23. A return made to Parliament of the amount invested to the account of the Accountant General as deposits on the Railway Bills presented to Parliament during the present Session, shows the sum of 6,322,889 *l.* 17 *s.* 3 *d.* so invested, representing a capital of nearly 80 millions, the estimated amount of the sum required to complete the Railways for which Bills are sought. Your Committee must observe that when the inducement to the evasion of Regulations is so powerful, the continued vigilance of all parties connected with the conduct of the private business of Parliament is absolutely necessary to meet the varying modes by which such evasion is likely to be attempted.

See Appendix.

"24. In recommending the remedies contained in the annexed Resolution, your Committee are fully sensible that it would be very undesirable to discourage, by unnecessary precautions, the application of the capital and enterprise of the country to the construction of railways; but when such extensive powers are sought from Parliament, affecting the rights of private protests, and inflicting, as in the case of large towns, so much injury on individuals, they consider that the credit of Parliament is involved in the maintenance of its securities against the improper application for and exercise of such power. With reference to the apprehended consequence of restricting enterprise, they believe that any delay caused by the strict observance of Parliamentary regulations would be more than compensated by a diminution of expense in litigation, better considered plans, and more economy in the construction of works.

"25. The Committee have agreed to the following Resolutions:—

"That, with a view to afford some assurance of the *bona fides* of the parties promoting Railway Bills, and of their competency to carry their projects into effect, the following conditions be required:

"1. That in the case of all Bills authorising the construction of new works, subject to the exception hereafter mentioned in the case of Companies previously incorporated, a statement be inserted in a Schedule to the Bill of the names, residences, and descriptions of subscribers to the undertaking, with the sums contributed and paid by them respectively, amounting in the aggregate to not less than 8 per cent. of the estimated cost. No such subscription to be for a less sum than 20 *l.*

"2. That payment be made into the Bank of England, under the same regulations as now prescribed by Standing Order 60, and the Act 9 Vict. c. 20, of the above subscribed amount of 8 per cent.

"3. That a clause be inserted in each Bill, in which, after reciting the fact of the subscription having been made, and the amount paid, as stated in the Schedule, it shall be enacted that, so soon as it shall be proved to the satisfaction of the Board of Trade that the

the Company has paid up one-half of their authorised share capital, and has expended that amount on their undertaking, it shall be lawful for the Company to withdraw the sum deposited for the purposes of the undertaking; and thereupon they shall issue fully paid-up shares to the subscribers or their assigns, to the amount represented by their respective subscriptions.

"4. That the above requirements not to apply to any incorporated Company seeking power to construct new works, provided the new capital to be raised is not greater than the existing authorised capital of the Company, and provided that the Company is paying a dividend upon its ordinary stock. For Companies so exempted the present 50*l.* a day penalty clause to be retained.

"5. That so much of Standing Order 143 as directs the Committee to inquire into the financial condition of the Company, be altered so as to include an inquiry into the *bona fides* of the subscription above-mentioned."

Draft Report, read 2°, paragraph by paragraph.

Paragraphs 1 and 2, amended, and agreed to.

Paragraph 3, agreed to.

Paragraph 4, amended, and postponed.

Paragraphs 5 and 6, postponed.

Paragraphs 7 and 8, amended, and agreed to.

Paragraph 9.—Amendment proposed, to leave out the words "in terms which to your Committee appear clear and unambiguous"—(Mr. *Westhead.*)—Question proposed, "That the words proposed to be left out stand part of the paragraph."—Amendment, by leave, withdrawn.—Amendments made.—Paragraph, as amended, agreed to.

Paragraphs 10 and 11, agreed to.

Paragraph 12, agreed to.

Paragraphs 13 and 14, amended, and postponed

Paragraph 15, postponed.

Paragraph 16, agreed to.

Paragraph 17, amended.—Question put, "That this paragraph, as amended, stand part of the Draft Report."—The Committee divided:

Ayes, 5.	Noe, 1.
Mr. Westhead.	Colonel French.
Mr. Egerton.	
Lord Hotham.	
Colonel Wilson Patten.	
Mr. Massey.	

Paragraphs 18, 19, and 20, amended, and agreed to.

Paragraph 21, postponed.

Paragraphs 22, 23, and 24, amended, and agreed to.

[Adjourned to Friday, at One o'clock.

Veneris, 17° *die Junii*, 1864.

MEMBERS PRESENT:

Mr. SCOURFIELD in the Chair.

Lord Hotham.	Mr. Heygate.
Colonel Wilson Patten.	Mr. Tite.
Mr. Brown-Westhead.	Mr. Egerton.
Colonel French.	Mr. Sotheron Estcourt.

The Committee proceeded with the consideration of the Draft Report.

Postponed paragraph 4, again read, amended, and agreed to.

Postponed paragraph 5, again read, and further postponed.

Postponed paragraph 6, again read, and agreed to.

Postponed paragraphs 13, 14, and 15, again read, and agreed to.

Postponed paragraph 21, again read, and further postponed.

[Adjourned to Wednesday, at Twelve o'clock.

Mercurii, 22° *die Junii*, 1864.

MEMBERS PRESENT:

Mr. SCOURFIELD in the Chair.

Mr. Egerton.	Mr. Crawford.
Mr. Brown-Westhead.	Colonel Wilson Patten.
Mr. Massy.	Mr. Sotheron Estcourt.
Mr. Adair.	Mr. Heygate.
Colonel French.	

The Committee proceeded with the consideration of the Draft Report.

Postponed paragraph 5, further considered.

Question, "That this paragraph stand part of the Draft Report," put, and negatived.

Amendment proposed, after the last paragraph, to insert the following paragraph:—"In the year 1858, in pursuance of the recommendation of a Select Committee, the Standing Orders, so far as they related to the Subscription Contract, were repealed, and thereby the effect of one of the guarantees formerly existing was weakened. The deposit system, however, which up to this time had existed concurrently with the Subscription Contract, was still continued, and Standing Order No. 60, which was at the same time slightly altered in its form, thenceforward contained the requirements of the House in that respect"—(Colonel *Wilson Patten.*)

Paragraph amended, and inserted in the Draft Report.

Postponed paragraph 21, further considered.—Question, That this paragraph stand part of the Draft Report, put, and negatived.

Amendment proposed, after the last paragraph, to insert the following paragraph:—

"The awarding compensation or costs to parties who have been harassed by the promotion of speculative and unsound schemes is the most obvious remedy for some of the evils complained of. This question was not distinctly referred to your Committee, and practical difficulties have hitherto prevented other Committees which have examined it from recommending the adoption of such remedy. Your Committee, however, are so strongly impressed with the belief that some provision with reference to costs is requisite to complete and render efficacious the security against speculative and vexatious projects, which the deposit system was intended to establish, that they venture to submit to the consideration of the House the following suggestion:

"When the Committee on a Bill are unanimous in their decision that the Preamble is not proved; and, further, specially report that the proposed scheme was either unnecessary or unsuitable to the requirements of the district, the opponents shall be entitled to the costs of their opposition, to the extent of the deposit; such costs to be taxed by an officer of the House, according to a scale to be laid down by Act of Parliament, or by Standing Orders"—(Mr. *Massey.*)

Paragraph amended, and inserted in the Draft Report.

Question, as amended, "That a clause be inserted in each Bill, in which, after reciting the fact of the subscription having been made, and the amount paid, as stated in the Schedule, it shall be enacted that, so soon as it shall be proved to the satisfaction of the Board of Trade that the Company has paid up one-half of their authorised share capital, and has expended that amount on their undertaking, it shall be lawful for the Company to withdraw the sum deposited for the purposes of the undertaking; and thereupon they shall

shall issue shares to the subscribers or their assigns to the amount represented by their respective subscriptions," put.—The Committee divided:

Ayes, 5.	Noes, 2.
Mr. Sotheron Estcourt.	Colonel French.
Mr. Egerton.	Mr. Adair.
Mr. Westhead.	
Mr. Massey.	
Mr. Heygate.	

Motion made, and Question proposed, "That these Resolutions do not extend to Ireland"—(Colonel *French*).—Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "the evidence having been closed, it does not appear to this Committee to be competent to entertain this question; and that it ought to be raised, if at all, in the House," instead thereof—(Mr. *S. Estcourt.*)

Question proposed, That the words proposed to be left out stand part of the Question, put, and negatived.—Words added.—Main Question, as amended, put, and agreed to.

Question, That the Resolutions agreed to by the Committee be reported to the House, put, and agreed to.

Question, That this Report as agreed to, be the Report of the Committee to the House, put, and agreed to.

Ordered to Report, together with Minutes of Evidence, and Appendix.

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Mercurii, 11° *die Maii*, 1864.

MEMBERS PRESENT:

Mr. Crawford.	Lord Hotham.
Mr. Edward Egerton.	Mr. Massey.
Mr. Sotheron Estcourt.	Colonel Wilson Patten.
Colonel French.	Mr. Scourfield.
Mr. Milner Gibson.	Mr. Selwyn.
Mr. Heygate.	Mr. Tite.
Mr. Kirkman Hodgson.	Mr. Brown Westhead.

JOHN HENRY SCOURFIELD, Esq., IN THE CHAIR.

George Kettilby Rickards, Esq., called in; and Examined.

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1. *Chairman.*] HOW long have you held the office of Counsel to the Speaker?—Since 1851.

2. You succeeded Mr. Booth, did you not?—Yes.

3. What are your specific duties with reference to Private Bills, particularly Railway Bills, that come before Parliament?—My duty is to assist the Chairman of Ways and Means in examining the Bills, and to see whether they contain any infractions of the Standing Orders, or of the privileges of the House, and generally whether they contain any clauses or provisions which are of an improper kind to be inserted in Private Bills.

4. You are well acquainted, of course, with the objects of the rules with regard, first of all, to the subscription contract, which was afterwards abandoned, and subsequently with the present deposit system?—Yes, I am pretty well acquainted with the system.

5. Will you state the objects and intentions of both those rules and regulations in their order of importance?—Some form of subscription contract, although it was more or less modified from time to time, had been in force for many years, previously to its abolition in 1857. The object of it was, I presume, to afford a security that the persons undertaking to carry out certain works for which they required Parliamentary powers, were persons who had the means of carrying those undertakings into effect; that they were persons of substance and credit, and were capable of executing the works which they asked power to perform. The object of the deposits was, I believe, also the same, but there was a further use to which the deposits were made subservient, which was this:—to afford a security that the work should be completed within the time to be prescribed by the Act of Parliament; and with that view, those deposits were to be impounded, as I may term it; they were to be locked up in the Court of Chancery, and to be retained there until the works should have been to a great extent completed. In 1857 the Committee on Standing Orders recommended the abandonment of the subscription contract, which was then abandoned; but the deposit system has been retained up to the present time.

6. Why did that Committee recommend the abandonment of the subscription contract?—It was on the ground that it had proved quite illusory. The Standing Orders had required that the Committees on Bills should investigate the *bonâ fides* and sufficiency of the subscription contract; but from one cause or another, the Committees had ceased to make any such inquiry, and the Standing Order had become virtually a dead letter. I believe the Committees had

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found it impracticable to make any satisfactory inquiry into the sufficiency of the subscription contracts, and had given it up in despair. The subscription contract degenerated into a mere form; the names of men of straw were put down with certain sums opposite to their names. It was necessary to produce that which purported to be a subscription contract before the Examiner, but the Standing Order had become a mere form. On that ground I believe the Committee on Standing Orders recommended that it should be given up.

7. You do not, of course, pretend to know the exact working of the business before the Committees; but do you think that there was any insuperable difficulty in the Committees ascertaining fairly the *bonâ fide* nature of the subscription contract?—I believe it would have been an extremely difficult task for the Committee to accomplish. I think it would have been very difficult for them to have investigated the sufficiency of every person whose name was down in the subscription contract to meet the demands upon him. In some cases those subscription contracts included a very great number of names; the sums were small, and the names were many, and it would have been in the power of the opponents to protract the inquiry upon the Bill to a very great extent, by making objections in numerous cases to the subscribers. It would have required, in fact, a decision of a separate issue on each name, as to whether A. B. was competent to pay 500*l.* or 1,000*l.*, or whatever the sum might be; it would have involved an interminable inquiry. Some Committees attempted to carry it out, but they found that they were foiled.

8. Colonel *Wilson Patten.*] There were several instances, were there not, where they failed so entirely, that they recommended that the subscription contract should be given up?—I was not aware that they had made that recommendation, but I know that there were instances in which Committees took great pains to investigate the matter, but without success.

9. Are you aware that the Committee on Standing Orders that sat in 1857, were recommended by several chairmen of Committees to give up the subscription contract, from its being found almost impossible to prove it practically?—I know that that was the conclusion to which the Committee on Standing Orders came, but I did not know what information they had received.

10. *Chairman.*] The change of system took place in 1861, did it not?—No, the abandonment of the subscription contract took place in 1857.

11. Was the deposit system then substituted?—No, the deposit system was retained; the deposit system had gone on concurrently with the subscription contract; both were required previously to that.

12. Colonel *Wilson Patten.*] Was eight per cent always the amount of deposit required?— No, the amount was previously 10 per cent. of three-fourths of the estimate; that was nearly equivalent to eight per cent. on the whole. When that Standing Order was repealed, instead of 10 per cent. of three-fourths of the estimate being required, it was thought a simple thing to say that the deposit should be eight per cent. of the whole estimate; that was considered nearly equivalent.

13. *Chairman.*] Under what Act is the present system carried on?—The Act regulating the payment of deposits is the 9th of Victoria, chapter 20; that Act was passed in the year 1846. It was brought in by Mr. Moffatt, and the object, as it appears by Mr. Moffatt's speech introducing the Bill, as reported in Hansard's Debates, was to amend the working of the system in some minor particulars; but the chief object was to give a certain indulgence to promoters of railway companies, by enabling them to deposit Government securities instead of money. The allegation was, that provisional directors and promoters of companies having had moneys subscribed for the purpose of the undertaking, had found it advantageous to invest those moneys in Exchequer Bills, or some other securities, in order to prevent the money remaining unproductive, and that if they were obliged to sell out those securities in order to raise the money for the deposit, they frequently sustained a loss upon the sale; therefore it was proposed as a facility to them, that when they had so invested subscribed monies in Government securities, those Government securities should be receivable as the deposit, in lieu of the money which they represented. Accordingly the Act enacts, that in case the provisional directors, or the promoters of a company, had "previously," that is to say before making the deposit,—invested the sums received by them in Government securities, they might deposit those Government securities.

14. The

14. The Act was strictly framed to accommodate those promoters of Bills who had previously invested money in public securities?—Yes, that appears from the terms of the Act. The only part of the Act which authorises stock to be deposited in lieu of money, is the proviso in the 3d section; and that proviso begins, "that in case the directors have previously invested in Government securities," then they shall be allowed to deposit; therefore it appears to me to be very clear, not only from the history of the Act, and from the motives alleged when the Act was introduced, but from the words of the Act itself, that it was intended that in that case, and in that case only, promoters should be allowed to deposit Government stock, when the moneys subscribed had been *bonâ fide* invested in Government stock.

15. Then are you of opinion that in all cases where stock has been deposited by parties who are as it were strangers to the scheme, the Act of Parliament has been, I will not say violated, but evaded?—It has been evaded. From the time the Act passed in 1846 until 1861, the practice was uniform; no persons, except the directors or promoters, were authorised, by warrant from the Private Bill Office to deposit Government Stock. It was in 1861 that the idea occurred to some persons that the Act might be made to bear the meaning that any persons might deposit stock; that the stock of other parties, not being directors, and stock in which the directors had not previously invested the subscribed moneys, might be deposited. An application was made to the Private Bill Office to authorise deposits to be made of stock, the property of other persons who were not directors, and the clerks in the Private Bill Office yielded to that application, and since 1861 that has been done to a very considerable extent.

16. Colonel *French*.] What does the word "previously," which you quoted from the clause, refer to; does it mean previously to the lodging of the petition?—Previously to the lodging of the deposit.

17. *Chairman*.] Are you aware of the number of cases in the present Session in which parties, other than directors or persons having the management of the undertaking, have been the depositors of the stock?—No, I do not know the number of the cases.

18. A return has been furnished to me from the Private Bill Office, from which it appears that out of 286 Bills the deposits have been made in 144 cases by parties other than directors, or persons having the management of the undertaking?—I was not aware of the numbers.

19. Assuming this to be the case, you would conceive that in all those cases where parties other than directors or persons having the management of the undertaking have deposited the stock instead of the promoters, the law has been evaded?—That is my clear opinion. It appears to me that the Act authorises the deposit of stock only in a case when the directors or promoters have previously invested the moneys subscribed. How, therefore, parties can claim to be allowed to deposit stock under this Act, in cases where the directors had not previously invested in Government securities, I do not understand. I ought to say that I am aware a very eminent counsel, Mr. Welsby, has given a different opinion upon the construction of this statute, and I wish to express my great respect for his opinion. At the same time, having studied the Act very carefully, I feel it impossible to come to any other conclusion than that the Act is evaded by the practice which has been adopted. I cannot help feeling confident that, if the Act ever comes under judicial construction, the construction of it will be that which the words of the Act, and, most undoubtedly, the spirit of the Act, and the object and purpose for which the Act appears, upon the face of it, to be intended, suggest.

20. Colonel *French*.] Is the money so lodged by other parties under the same conditions as money lodged by the directors?—Yes.

21. There is no difference whatever?—No.

22. *Chairman*.] You are aware that this opinion of Mr. Welsby was procured at the request of the clerks of the Private Bill Office, whose correctness, of course, has been the subject of comment with reference to recent transactions?—Yes, I have understood so; and although, as I have stated, I have a very strong opinion that the construction which has been lately put upon the Act is incorrect, yet I must say that I think the fact of Mr. Welsby having given that opinion, quite exonerates the clerks of the Private Bill Office from any culpability if they have erred in their construction of the statute.

23. Is not your opinion in substance this: you maintain your opinion with

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regard to the legality of what has been done, but you think that a certain degree of doubt having attached to the construction of the Act, the clerks were free from any imputation of culpable neglect in issuing those warrants?—I think that so eminent a counsel as Mr. Welsby having given the opinion which he has given, they are exempt from any blame.

24. But under any circumstances, whether the clerks have been justified or not, you think that there seems to be sufficient doubt in the matter to require fresh legislation?—No; if the only question were whether this construction of the statute were doubtful or not, I should say it did not require fresh legislation; I do not admit that there is sufficient doubt to require a fresh Act of Parliament.

25. Are you aware that in the list of applications for Private Bills presented to us, of which a very considerable proportion have fallen under the particular class to which I have referred, namely, those in which warrants have been directed to third parties, all the Metropolitan Bills are included?—I was not aware of that.

26. It would appear, therefore, that every one of the Metropolitan Bills which have caused so much excitement, which have occasioned a conference of the two Houses, and the appointment of Special Committees, has been introduced by means of an evasion of the Act of Parliament?—That would be so, if my view is correct.

27. Colonel *French*.] You do not know of your own knowledge that such is the fact, do you?—I was not aware of it until the Honourable Chairman mentioned it.

28. Colonel *Wilson Patten*.] Would you state to the Committee the circumstances of the case to which your attention was called the other day, in the Sheffield, Chesterfield and Staffordshire Railway Bill?—That was one of the cases in which it appeared that a warrant for the deposit of stock had been granted to other parties than directors or promoters of the Bill, and in which stock had been deposited which had not been a previous investment by the directors or promoters of the Bill, but stock belonging to an insurance company—stock, in fact, hired for the purpose of the deposit. The Committee which inquired into the Sheffield, Chesterfield and Staffordshire Bill, reported the matter specially to the House, and it was referred to the Standing Orders Committee; and the Standing Orders Committee made their report upon it, which contains a full statement of the facts, and expresses their opinion that what had been done in that case was an evasion of the Standing Order, and the Statute of 9th Vict. c. 20.

29. Will you state to the Committee the engagements which you found were entered into in that case to return the money in case the Bill should not pass?—That appears upon the evidence which has been presented to the House.

30. Mr. *Heygate*.] Does that paper contain a copy of the agreement between the Directors of the Guardian Assurance Company and the Directors of the Chesterfield and Staffordshire Railway Company?—It does.

31. *Chairman*.] Can you state to the Committee shortly what was the arrangement in that case?—The facts of that case, I believe, are shortly these: the promoters of this railway required some stock wherewith to make their deposit; they applied to the Directors of the Guardian Life Assurance Office for a loan, and the Directors of the Assurance Office agreed to advance a certain amount of stock, provided that they received an undertaking from the solicitors for the Bill that they would, before theBill reached its third reading in the second House, that is, its final stage before receiving the Royal Assent, transfer the same amount of stock to the Directors of the Guardian Assurance Company. Upon receiving that undertaking the Directors of the Guardian Assurance Company consented that this amount of stock should be deposited with the Accountant General of the Court of Chancery, *in re* the Sheffield, Chesterfield and Staffordshire Bill.

32. Mr. *Tite*.] In whose name was it deposited?—The stock still remained in the names of the Directors of the Guardian; the stock was never transferred in the books of the Bank to the promoters, but in the Bank books it remained the stock of the trustees of the Guardian Assurance Society. It is then lodged with the Accountant General, still in the names of the trustees of the Guardian Society, *in re* this Railway Bill. Besides this undertaking from the solicitors that they would transfer the same amount of stock before the

Bill

Bill attained its final stage, there was another undertaking in that case, which was this: the promoters of the Bill gave an undertaking to the solicitors that the solicitors should have the sole and entire conduct of the Bill.

33. Mr. *Massey.*] I believe the history of this transaction is comprised in a paper which has been laid upon the table of the House, and printed by order of the House?—It is.

34. Mr. *Tite.*] Are the names given in it?—Yes; the solicitors are Messrs Baxter; the effect of that undertaking, I think, was this: Messrs. Baxter had made themselves responsible, in case the Bill should reach its final stage, for the return of this amount of stock to the trustees of the Guardian Assurance Office, and they had the sole control of the Bill.

35. *Chairman.*] They raised a question upon the construction of the word "control," did they not?—I believe there was some such question raised, but I do not think it was of any importance; they were in this position: they had either to transfer that amount of stock, or else their alternative was to withdraw the Bill; there does not appear upon the evidence to be any distinct undertaking on the part of Messrs. Baxter to give to the trustees of the Guardian Assurance Society an absolute control over the Bill. But it appears to me that there was no necessity for such an undertaking; the position in which Messrs. Baxter were placed was, in fact, in itself a security that they would withdraw the Bill unless they had the means of re-transferring the stock.

36. Colonel *Wilson Patten.*] The object that Parliament had, in requiring the deposit, was set at nought by the transaction, was it not?—Yes, that was so.

37. Colonel *French.*] How could Messrs. Baxter withdraw that Bill without the permission of the directors?—They could do so, because the directors had given to them the absolute conduct of the Bill.

38. Mr. *Crawford.*] You have used two terms, "promoters," and "directors;" do you mean the same parties in each case?—Yes, the same parties.

39. Mr. *Tite.*] Were there directors in that case?—I do not remember.

40. *Chairman.*] This is a correct copy, I suppose, of the case of the promoters, which was sent in to the Standing Orders Committee (*handing a paper to the Witness*)?—I do not know.

41. Mr. *Edward Egerton.*] In the case you have mentioned, there was no transfer at all, as I understand?—There was no transfer to the promoters whatever.

42. The stock remained in the names of the same parties all the time?—It remained in the names of the lenders.

43. So that there was no transfer at all?—No transfer at all.

44. Colonel *French.*] It was so far transferred as this, that it was "*in re* the Sheffield, Chesterfield and Staffordshire Railway Bill"?—Yes.

45. And there was no power on the part of any persons, except those who had the control of the Bill, to get it out of the hands of the Accountant General?—On the rejection or withdrawal of the Bill, or on its passing, it could only have been re-transferred to the same parties.

46. By the Accountant General?—Yes.

47. Would not it have been so impounded that the Accountant General could not transfer it, if the Bill had passed?—It would be impounded if the Act passed, but the intention was, of course, that it should not be impounded unless the same amount of stock had been previously returned to the lenders.

48. Mr. *Kirkman Hodgson.*] You stated, did you not, that this system of deposits was introduced in 1857?—No, the system of subscription contracts was abandoned then.

49. Before that time a necessary part of the inquiry was into the solveney of the subscribers; but that being found to be impossible on account of their great number, and the numerous cases of fictitious men, and men of straw amongst them, that part was done away with; but the other part, namely, the deposit system, was left?—Yes, the deposit system was left.

50. There was a good deal of inquiry in different cases as to the possibility of discovering the solvency of the parties who promoted the railways, and it came out in evidence that the subscribers to the Liverpool and Manchester Railway, and the London and Birmingham Railway were mostly fictitious names; are you aware of that fact?—No, I was not aware of that.

51. Mr. *Selwyn.*] Were you aware that this Subscription Contract while it

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was in existence, was evaded by means of a secret agreement entered into by the directors of the company, by which the sums of money which appeared to be subscribed in respect of deposits upon shares and paid as deposits upon shares, were to be treated as a loan to the company; and that afterwards the Court of Chancery held that that secret agreement was fraudulent and void as a fraud upon the Standing Orders of Parliament?—Yes, I have heard that.

52. Was not it after that decision of the Court of Chancery, that the successful attempt was made to get rid of the Subscription Contract?—I do not know that they were connected together as cause and effect.

53. In point of time was not it as I stated?—I do not know the date of the case in the Court of Chancery.

54. I have here an agreement, actually in writing, between the directors of a company and the Union Bank of London, and also an undertaking by the Parliamentary Agents. I will read them, and then I shall ask you to state whether they are not the common forms of agreement entered into between the directors or promoters of these companies and the assurance offices or the banks from which they procure the money for the deposit. The first is the agreement between the directors of the company on the one hand and the directors of the Union Bank of London on the other:—"In consideration of your having advanced for deposit 10,400 *l.* with the Accountant General of the Court of Chancery, in the names of Richard Banner Oakeley and John Beattie, as the Parliamentary deposit of the proposed railway company, we hereby undertake that in case the said amount shall not be repaid to you before the said Bill has arrived at the stage of being read a third time in the House of Lords, in the present Session of Parliament, we will withdraw, or cause to be withdrawn, the said Bill, and will do and concur in all acts and things which may be necessary for enabling you to obtain the withdrawal of the said sum so deposited as aforesaid from the said Accountant General of the Court of Chancery." The second is the undertaking by the solicitors and Parliamentary Agents:—"We, the solicitors and Parliamentary Agents of the railway company having charge of the Bill, undertake, in pursuance of the instructions of the Board, that the said Bill shall not be read a third time in the House of Lords unless the sum deposited for the Company be previously paid, or satisfactorily secured, to the Union Bank of London, as mentioned in the annexed letter"?—Yes, I believe that is the regular form adopted.

55. Of course the consequence of that is entirely to evade the object of the Standing Order?—Certainly; it is to evade the object of the Act of Parliament most completely.

56. This agreement which I have read is dated January 1862?—Yes.

57. Colonel *French*.] Does it make any difference whether the money is borrowed or provided by the directors if the Act of Parliament passes, as far as the securing the execution of the work goes?—No; if the Act of Parliament is passed it makes no difference as far as regards the execution of the work; it is an equal security wherever the money comes from.

58. *Chairman*.] One of the securities is the requiring that a bond should be given to the Treasury, is it not?—Yes, the deposit, as I said before, in the case of new undertakings, is impounded; it is retained in the custody of the Accountant General until half the capital has been laid out upon the works, unless in lieu of it a bond is given to the Treasury; in the majority of cases, as I am informed, this bond is given.

59. Mr. *Selwyn*.] It is a bond by the company, with two sureties, is it not?—By some persons or other on their behalf; but, as far as I have been able to learn, that bond has never been enforced.

60. Mr. *Edward Egerton*.] Were you acquainted with the old system of the subscription contracts yourself?—Yes.

61. At last it came simply to the contractor signing it, did not it?—Yes, I believe it did.

62. There was no other name but the contractor's, very often?—A few other names, those of clerks, and such persons.

63. The contractor would be put down for 500,000 *l.*?—Yes, he might.

64. In some cases the committee used to take upon themselves the task of inquiring into the solvency of the contractor, did they not?—I am not aware whether they ever did that.

65. Colonel *French*.] No bond is ever required from an existing company for an

an extension of their line, is it; a deposit is required, I believe?—Yes, the deposit is equally required from an existing incorporated company.

66. Colonel *Wilson Patten.*] Have you any suggestion to make to this Committee with regard to a better mode of attaining the object of Parliament with respect to the subscription contracts?—There are two distinct objects, I conceive, which those securities have had in view; one is that of securing the completion of the works if the Bill is passed, and that object I think is at present attempted to be answered by the deposits or by the bond, in lieu of the deposits. But another object is, that Parliament should have some assurance when it is asked to give extraordinary powers, that the parties asking those powers are persons who are qualified and competent to carry out the undertaking; that it is not a mere speculation which, after the Bill has been passed, may drop to the ground, but that there are substantial parties who are willing and able to carry the Act into effect. It is a security for the substantiality and solvency of the promoters of the Bill.

67. How do you propose to give greater security to Parliament that that shall be enforced?—I will state to the Committee what are the ideas that occur to me upon the subject in detail. First, with regard to the deposits; an honourable Member asked me just now whether the deposits and bonds were required from an incorporated company; they are, but I conceive that there is no utility whatever in requiring a deposit of money from an already incorporated company. If the Bill is passed, the incorporated company can get back its deposit; the Standing Orders prescribe that in the case of a company having a line already opened for traffic, the completion of the extension line, within the time prescribed, shall be secured, not by the retention of the deposit, but by another means, that is to say, by imposing a penalty of so much per day during which the line remains uncompleted after the time has expired.

68. Mr. *Edward Egerton.*] The penalty is 50 *l.* a day, is it not?—£. 50 a day, that is the security imposed upon an incorporated company. Consequently, whether a Bill is passed, or rejected, or withdrawn, an incorporated company gets its deposit back. Then with respect to the deposit: regarding the deposit in the light of a guarantee for the responsibility and credit of the parties, I apprehend that there is very little necessity, in the case of a company, which Parliament has already incorporated and invested with powers, for a further guarantee as to the claim of those parties to ask for further Parliamentary powers; and, therefore, in either point of view, it seems to me that a deposit from the incorporated companies is quite unnecessary, and answers no purpose whatever.

69. You would retain the penalty, of course?—Yes; provided the penalty clause is retained, the deposit is simply a loss of the interest of the money for the time to the incorporated company.

70. Colonel *Wilson Patten.*] Can you say, from your own experience, that in all the Bills passing through Parliament, promoted by railway companies, that clause imposing the penalty for the non completion of the line is inserted?—Yes, it is always inserted; it is a matter of Standing Order.

71. Mr. *Brown Westhead.*] Have you ever known the penalty exacted?—No; I have never known the penalties enforced.

72. Colonel *Wilson Patten.*] Will you proceed with your statement of the remedy which you propose?—I would also say, with regard to this statute of the 9th Victoria, chapter 20, that inasmuch as that proviso, giving the power to deposit stock, was intended for the benefit and relief of promoters of companies who had an amount of subscribed money in their hands which they had invested for convenience sake in Government securities previously to the deposit of the Bill, and inasmuch as by the present practice of getting up railway undertakings, which is entirely different from the old practice, those previous investments of stock, I believe, never take place, I think that proviso, which has been perverted from its original purpose, is now unnecessary. I may also say that I believe, from the information I have received, that the mode of getting up railway and other schemes is entirely altered in this respect. Formerly, the first step was to obtain subscriptions. The first thing was to provide a certain capital, and the next thing was to launch the scheme. Now the order of things is reversed. The first thing is to concoct a scheme; and if the scheme finds favour, and the Bill is in a fair way to pass, then to seek the capital for it. If that is so, as I am informed it is, and if there is no subscription previously obtained, of course there is no conversion of money into stock;

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and therefore I do not see any use which this liberty of depositing stock answers. Next, with regard to the retention of the deposit system, it appears that although clauses are inserted in all Railway Bills impounding the deposit as a security for the completion of the works, or else requiring a bond to the Treasury, or else imposing a penalty of 50*l.* a day if the line is not completed, in none of those cases have the penalties been enforced. No bond has ever been forfeited, and I doubt very much whether, except in a very few cases, the deposit is forfeited. There is a way of getting out of that forfeiture, namely, by bringing in a new Bill when the time is running out, asking for an extension of powers. That Bill is generally granted, so that, in one way or another, those penalties are all avoided. That being the case, it becomes a question whether it is worth while to retain the deposit at all, as a security for the completion of a line. I am afraid, therefore, that looking at the deposit as a security for the completion of the line, it is very questionable whether it is worth while to retain it. Of course it is a considerable loss to the parties. It is a serious inconvenience that the parties should have the money wherewith they are to carry out the undertaking locked up for a considerable time. Looking at the deposit as a guarantee for the solvency and credit of the parties promoting the undertaking, whether it ought to be retained will perhaps depend somewhat upon the conclusion which the Committee may come to with respect to the subscription contract. If they should determine to return to the subscription contract, that would probably be a better security in this point of view than the deposit, and at the same time a more convenient mode of securing the object.

73. Colonel *French*.] With reference to the deposit, does it strike you that instead of adding to the appearance of solvency of a company, the taking up of what in some cases is a part of their first capital, which might be applicable to defraying the expenses of the Act, and the purchase of land to begin the work, is rather shaking the security than adding to it; is not the requirement of the lodging of a sum of money as a deposit, and shutting it up a very adverse step towards the company?—I am looking at it as affording evidence that the parties promoting the undertaking have a certain amount of capital. Then with regard to the subscription contract, I confess I speak with very great diffidence about that, because I am aware of the great difficulties that have been found in carrying out the subscription contract system when it was tried before. I know that Committees have failed, and given up the attempt in despair; but I think that it may be worth while to attempt to revive the system under different regulations and conditions. It has occurred to me that if the subscription contract were revived, it would be advisable that a regular and formal investigation should be provided for, and that the duty of making this investigation should be imposed upon some persons responsible for the discharge of it, and also that it would be more convenient that the inquiry should be a preliminary inquiry, and that it should be ascertained in the first instance whether the promoters were persons capable or not of carrying out their undertaking, if it were conceded to them, before the whole expense of the inquiry into the merits of the scheme was incurred. I, therefore, would suggest that the subscription contract, if the Committee think proper to revive it, should be a matter for inquiry by an officer of the House, to be selected by the Speaker, and that it should be in the power of the opponents (I mean by opponents all such persons as, before the Committee upon the Bill, would be entitled to a *locus standi*) to take objection to the *bona fides* of the subscription contract, and that it should be the duty of the officer to institute an inquiry into that question. I do not recommend that that inquiry should go so far as to be made an inquisitorial scrutiny into the private means or affairs of individuals, but that it should be broadly upon the question of the *bona fides* of the subscription contract. The *onus probandi* would, of course, be upon the objectors, and if it should be alleged that the subscription contract was a mere sham, and that the names were those of men of straw, whose responsibility was a mockery, then an inquiry into that allegation should take place by the officer of the House. I think that if subscription contracts were made liable to such an ordeal, that very liability would operate *per se* to great extent, so as to prevent the necessity for the process being actually put into execution. I think that the necessity of furnishing a subscription contract, subject to such an inquiry would in itself go a great way towards attaining the end

end proposed, and that the inquiries would not be very numerous. Of course, a great deal would depend upon the discretion with which this inquiry was carried out; it would be a difficult and delicate task to perform. I make this suggestion with great diffidence. I know there are many difficulties in the way of it, but I have not been able to hit upon any better plan for attaining the object of affording some guarantee as to the character and competency of parties promoting Private Bills. It seems to me that either some such plan or else the abandonment of any attempt of the kind must be decided upon.

74. Colonel *Wilson Patten.*] You think that the great object to be attained is the gaining a security that it is a *bonâ fide* undertaking?—Yes, I think it is very desirable; I think it is very improper that the time of Parliament should be taken up, and that a great deal of money, both of the parties themselves, but still more of those whose undertakings are opposed or competed with, should be wasted upon schemes which have not a substantial basis of capital or credit.

75. Is there not, in addition to that, the consideration that it is a very great hardship upon the possessors of property all through the country to be put to the enormous expense of fighting Parliamentary battles before Committees, when they have no guarantee that if the Bill is passed the works will be carried out?—Undoubtedly it is.

76. Mr. *Heygate.*] The deposit ought to be part of the money with which it is proposed to make the railway?—Yes.

77. Is it not the fact, that under this system of sham deposits, the promoters of railway Bills can, without having a single share taken, come before Committees without risk to themselves, and there make a bargain with the highest bidder, or with anybody whom they can terrify?—Yes, I believe that is the case; the only expense they incur is the hire of stock.

78. Do you think that if the deposit were made irremovable from the custody of the Accountant General until the Committee has given its decision upon the merits, that would tend to meet the case, and ensure the *bona fides* of the deposit?—It is irremovable now from the custody of the Accountant General.

79. Under an agreement such as has been read to you, it is removable, is it not?—No, it is not removable from the custody of the Accountant General.

80. It has to be replaced?—Yes, the agreement is to replace it to the lenders of it; to indemnify the lenders.

81. Colonel *French.*] With reference to this proposed preliminary inquiry which you suggest, do you think it necessary to require that the inquiry should be held in this House; might not it be made either in the law courts or by some person out of the House, before the promoters present their Bill at all?—I think it would be more proper to have the inquiry made in the House; it is for the satisfaction of Parliament.

82. You say that it is for the satisfaction of Parliament, do you think that it would be equally for the satisfaction of the public that it should be delayed until Parliament was about to meet, whereas that point might be settled months before, and all anxiety on the part of the landed proprietors got rid of?—The Bills are not ready until just before Parliament meets; all the Standing Orders are framed with a view to that.

83. Might not the inquiry which you suggest be so arranged as not to come under the cognisance of the officers of the House at all?—I think that an inquiry, either by a Committee or by some officer of Parliament, would be the best way of investigating it.

84. Mr. *Crawford.*] May not the consideration that the promoters of a railway company have no substantial proprietary to fall back upon after their Act is obtained be a very proper consideration, so far as it goes, as to the expediency of granting their Act?—Yes, no doubt it may.

85. Mr. *Tite.*] You are rather inclined to fall back upon the subscription contract system, are you not?—Yes.

86. You are imagining that the contract that you would have to contend with would be one signed by men of straw or persons not competent to fulfil their obligations?—Yes.

87. From your experience of the contract system would it be also open to this, that you would have only three names instead of 30, and that those would be the names of men of undoubted power and competency?—Yes.

88. Supposing you asked for a contract and found the names of the solicitors you have mentioned, and those of their engineer and contractor, making three

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names altogether, there would not be much more *bona fides* in that undertaking than there would be in such a one as you have described, but they would be probably competent to carry out the work if they thought fit?—Yes.

89. That is the penalty if they do not carry it out?—The penalty if they do not carry it out is only in the forfeiture of the deposit.

90. You gave up the deposit as I understood. There are two possible systems; you may either have the contract, or you may have the deposit!—Yes, or you may have both.

91. You proposed to give up the deposit and to retreat upon the contract; you seemed then to apprehend that the contract would be fraudulent, or signed by men of straw, and you proposed to employ an officer of the House to inquire into the *bona fides* of the persons in promoting a scheme. I am conceiving, that instead of a great many men of straw, three persons of undoubted respectability join in a speculation to get up a Bill in order to sell it after they have got it passed; you cannot impeach their means or their position?—Undoubtedly not; if you get a contract signed by three or four persons, and those persons are men of substance, whether contractors, engineers, or solicitors, I think you need not inquire further. I think that that is a sufficient guarantee.

92. What is the penalty if they do not carry it out?—What I said with regard to the deposit was just this: inasmuch as every security which is now provided by means of deposit for the completion of a railway, is inoperative, because the bonds are not enforced, because the deposit money is not forfeited, and because the penalties are not exacted,—inasmuch as none of those securities are kept in operation, I do not see the use of keeping up the deposit; I do not see that Parliament obtains any effective security now for the completion of the undertaking.

93. We will come to that presently. I am supposing the three men whose names appear in the subscription contract to be perfectly competent to carry out the work; but that they do not mean to do it unless they can sell the undertaking to somebody else. How will you enforce their doing it?—I was not proposing any remedy against solvent persons promoting lines, to sell them afterwards. I was suggesting a remedy against Bills being promoted by persons not solvent; not wealthy contractors or solicitors; but a lawyer looking for his costs of carrying the Bill, and perhaps a rising engineer whose skill is greater than his capital; in fact, persons who really have not the means to carry out the works. If you put to me the case of persons who have the means, I have nothing to say except that they are very good subscribers.

94. What security is there that the work will be carried out?—If you put an end to the deposit system, inasmuch as the deposit system is now inoperative, you will have the same security as you have now, that is all.

95. With regard to the present system, if you returned to your interpretation of the provision of the 9th Vict., c. 20, I apprehend the whole question would be set at rest; that is to say, if the parties had in order to obtain a warrant to deposit in their own person, stock in lieu of money, you would have the security which you seek. The invasion of that provision is the difficulty?—Yes.

96. You know that for the metropolitan lines, the deposit was about 800,000 *l.*; that would not have been made in money, or made *bonâ fide* by anybody; it was only made by the borrowing system, which you consider an evasion of the law?—Yes.

97. Why should we not return to the law as it was, taking your interpretation of it?—I have no objection to that, if you think the deposit system worth retaining, in the face of the fact that the penalties under it are not exacted.

98. The most notorious case of that kind which you know as well as I do, was that of the Metropolitan Underground Railway. The Metropolitan Railway Company had made a large deposit, amounting to between 60,000 *l.* and 70,000 *l.*; and it was impounded for four or five years or more?—Yes.

99. Two Bills were brought into Parliament three or four years ago; one was to enable Parliament to return the deposit because the company could not go on with their works; and the other was to extend the time again, it having been extended twice before. If Parliament once forfeited 50,000 *l.* or 60,000 *l.* you would have a security in the deposit system, I suppose. Do you know whether Parliament has ever determined that question by returning the money?—Yes, it has returned the money.

100. Under

100. Under what circumstances, and when?—When companies have given reasons for their inability to complete the line within the required time, the money has been released repeatedly.

101. And the project abandoned?—No.

102. *Chairman.*] Is there any case within your knowledge of the money having been returned and the project abandoned?—No, I do not recollect any case where the project has been abandoned and the money returned.

103. Then if the deposit were the real *bonâ fide* deposit which you believe that the Act of the 9th Vict., c. 20, contemplated, and if the money or money's worth were deposited, would not that be an effectual security against the want of *bona fides* in these transactions?—It would be an effective security for the completion of the works, provided that the authorities with whom it rests would persist in enforcing the penalties.

104. That is the House of Commons, is it not?—No, it is a debt to the Crown; it is for the Treasury, and not the House of Commons, to put the bond in suit; and it is for the Treasury to enforce the penalty of 50 *l.* a day.

105. I speak of a company not already existing, to whom the penalty of 50 *l.* would not apply?—In most cases a bond is given in lieu of the deposit; the deposit is got out by giving a bond.

106. Is that not in the case of existing companies?—No. In the case of new companies it is generally done; they release the money by giving a bond.

107. If the Treasury were to enforce the exaction of the penalty which it is in their power to exact, the whole thing would seem to be complete?—So far as the security for the completion of the line goes, it would; but not so far as regards the security for the character of the parties who promote the undertaking.

108. Mr. *Selwyn.*] Was not the real guarantee in the case which the honourable Member for Bath has put under the old subscription contract, whether it was signed by three or by 30 people, that they not only paid the 10 per cent, but entered into an agreement to pay the other 90 per cent., and made themselves shareholders in the company?—Yes, for three-fourths of the estimate.

109. They took shares, and paid the deposit upon those shares?—Yes.

110. Was not the decision of the Court of Chancery this, that although there was a secret agreement between themselves to the effect, that though they put down their names for 150,000*l.*, and paid a deposit upon those shares of 15,000*l.*, they should not be shareholders, but creditors of the company for the 15,000 *l.*; that was fraudulent and void, and consequently they remained shareholders liable for the 150,000*l.*, and were bound to pay up the remaining 90 per cent?—Yes; but they had the power of transferring their shares.

111. That was the real security, was it not?—Yes, so long as they held the shares.

112. If you have three solvent people as shareholders, if they are unable to get rid of their shares by selling them, or transferring them, they become liable for the whole sum?—Yes; but they had the power of getting rid of their shares.

113. Mr. *Tite.*] Had they not the power of not going on with the work at all; what penalty was there if they did not go on with it?—At present there is a penalty, if it were enforced.

114. In the case you suggested, of a mere contract, there would be no penalty if they did not go on with the work, and therefore there would not be the security which this House seeks of having it carried out?—Yes; but I say that the law is now inoperative.

115. Mr. *Selwyn.*] Did you not say, that you would require these two things—a subscription contract, by which the subscribers should make themselves shareholders, and also that they should be obliged to pay 10 per cent. upon the amount of their shares?—I think those conditions should be required.

116. And that that money should be paid into the Court of Chancery as deposit?—Yes.

117. And that instead of the money being paid out again, if the Act passes, to three or four individuals, it should be paid out to the company only upon the sanction of the directors appointed under the Act of Parliament, and as part of the funds of the company?—Yes.

118. Would that be an improvement upon the present system, in your opinion?—I think it would.

119. Colonel *French.*] You have been asked by the Honourable Member for

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Bath, if there was not an extension of time granted for the forfeiture of the recognizance in the case of the Underground Railway, where there was 60,000 *l.* or 70,000 *l.* as I gathered, locked up for five years; did the public experience any injury arising from the extension of time for the completion of the railway in that case?—Parliament enacted, that the line should be completed within a certain time, which was not done; I presume that Parliament considered it expedient that the line should be completed within that limited time, and therefore it was contrary to the public advantage that the completion should be postponed.

120. Was not that line eventually completed by the undertakers?—Yes.

121. And with very considerable profit, I believe; their shares were at a considerable premium when the line was opened?—It was completed, I believe, within the time; I am not aware of the exact value of the shares at that time.

122. Mr. *Selwyn.*] With respect to the existing companies, you have expressed an opinion that no deposit need be required from them; did you intend that to apply to the case of a company with Parliamentary powers for making a line from A. to B., when they were afterwards going on their own motion, to make an additional line from B. to C.?—I did.

123. Are they not in getting such powers doing that which any one of their shareholders could interfere to stop them from doing; you are aware that by the existing law if a company is incorporated to make a line from A. to B., any one of their own shareholders can prevent them from spending a shilling of the capital raised for that purpose in extending the line from B. to C., that being beyond the purpose for which they were constituted?—I believe it is so.

124. Is it not as necessary to control the operations of these companies in doing what is beyond their power, as it is to control the operation of new companies seeking new powers?—Parliament gives powers every Session to existing companies to make new works, and accompanies them by a penalty of 50 *l.* a day in case the works are not completed; this penalty is in lieu of the impounding of the deposit which is imposed upon new companies.

125. Mr. *Edward Egerton.*] There is a further penalty that the company cannot pay any dividend until the new line is opened, is there not?—No; that is repealed, and the penalty clause is substituted for it, so that according to the present Standing Order they get their deposit back; then if they are to get it back, I do not see what is the use of its being impounded by the Accountant General during the interval between the commencement of the Session, and the passing of the Bill.

126. Mr. *Selwyn.*] Until it is authorised by Parliament it is entirely an illegal transaction, so far as the old company is concerned, and any one shareholder could stop their doing it, could he not?—They could not legally spend the money of the shareholders in the existing undertaking upon a new scheme, but they get persons to become shareholders in the new undertaking; that is the theory of the thing, at all events.

127. If they get new persons to become shareholders in the undertaking, is it not necessary to have as good a guarantee in that case as in the case of new companies?—Yes, but I look at the Standing Orders as they exist, and I find that in the case of such a company as that, there is a penalty provided, and upon the ground that there is that penalty, Parliament permits the deposit to be taken out; and therefore I say it is useless to require a deposit which is, under the Standing Orders, taken out as soon as the Bill is passed.

128. Is it not an additional hardship upon the shareholders in the old undertaking, that you put a penalty upon them in respect of something to be done in a matter, which, until it has received the sanction of Parliament, is illegal?—The practice of these companies is not according to the strict rules of law; existing companies do in effect constantly promote new lines without the shareholders interposing.

129. Mr. *Tite.*] If a *bonâ fide* Company already existing gives full notice, and calls a public meeting of its shareholders, and says, We propose, with your sanction and consent—that being presumed to be the sanction and consent of the majority, either present, or by proxy, to apply for powers to obtain an extension of our line from A. to B. from B. to C.; do you imagine that it is illegal for that company to go on after such a sanction, and spend money in obtaining those powers?—I should hardly like to give an opinion upon that in the

the presence of the honourable and learned Member who put the last question to me, and who is much better acquainted with the practice of courts of equity law than I am.

130. There is no moral objection to that, is there?—No, certainly not; practically no difficulty ever arises.

131. Mr. *Massey.*] You recommend that the sufficiency of the subscription contracts should be inquired into by an officer of the House, as the best arrangement, do you not?—Yes, I do so with great diffidence, as I have stated, because I feel the subject to be full of difficulties.

132. Do you propose that the subscription contract should represent any fixed proportion of the estimate?—Yes.

133. What proportion should it be approximately?—The Standing Order when subscription contracts were in force required three-fourths; that seems to me rather a large proportion; I should say that one-half would be quite enough.

134. I think I understood you to say that you would not have the inquisitorial functions of the officer of the House set in motion unless opponents appeared?—No, not unless opponents appeared.

135. Have you considered how far you would pursue the inquiry into the affairs of persons who profess to be subscribers to a great undertaking, and their competency to perform what they undertake?—Yes; I have considered it generally, and if I were entrusted with that power, I should generally not permit objections to be made to the solvency of persons holding a respectable position, because there is this difficulty in the matter, that those parties bind themselves to pay the money, not *eo instanti*, but when called upon to do so. Those calls are often spread over a considerable period; and the question is, not whether a man is able at once to pay the whole amount down, but whether he will be able to pay it during the time over which the calls extend. Therefore, I think the jurisdiction ought to be exercised with great indulgence; and unless a very strong *primâ facie* case, amounting almost to fraud, and to a state of things which might be called a sham and a mockery, were presented to the officer, I think he ought to decline to go into the question of the solvency of individuals.

136. Referring to the former experience of Parliament with regard to the subscription contracts, and to the barefaced frauds which were put upon Parliament, would you, if you saw the names of Jones, Smith, and Robinson upon a subscription contract, think that you had no right to inquire into who those persons were?—No; I should call upon the agent for the Bill to give me the necessary information. I should hold the agent mainly responsible. I should call upon him to give explanations with respect to the parties, and I should expect him to be able to answer the question as to who those parties were, and what was their position in life; and, in fact, to be able to identify them as persons holding a reputable position, and *primâ facie* capable of subscribing to the railway. If he could not do that, or if it was shown upon the other side that those men were clerks in an office, or boys, or persons apparently without a shilling in the world, I think that would amount to a case of fraud; in fact, I should limit it almost to cases of what might be called fraudulent contracts.

137. The proceedings before the Examiners for Standing Orders have been eminently successful, have they not?—Yes; they have been very successful.

138. That encourages you, does it not, to hope that an inquiry of this nature, instituted by an officer of the House instead of by the Committee to which the Bill is referred, would be far more efficacious than an inquiry in a committee-room?—Yes; one reason for recommending an officer of the House rather than the Committee sitting upon the Bill, is, that the officer is responsible to the House. Many duties have been imposed by the Standing Orders upon Committees on Private Bills which have gradually fallen into desuetude; it is now a Standing Order that the Committee should inquire into the financial circumstances of parties promoting Railway Bills, but that is very seldom done; it is impossible to enforce the performance of those duties upon Committees which are fluctuating bodies composed of Members who are here to-day and gone to-morrow. There are duties now imposed by the Standing Orders which they pass by, and which it is impossible to enforce. On the other hand, if you have an officer of the House it will be his duty, as a responsible person, to do what the Standing Orders require him to do.

 139. I understand

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139. I understand you also to recommend, that the efficiency of the subscription contracts should be secured also by a system of deposits of 10 per cent. ?—By requiring a certain payment to be made upon the shares.

140. Do you mean payment in money or stock ?—I mean payment in money; I think that the subscribers should be expected to pay up a certain proportion of their subscriptions.

141. When should they be required to do that ? My object is, to suggest to you that locking up a large portion of the funds of an infant company, which funds they want for the purpose of their undertaking, is a questionable policy ?—I quite feel that.

142. Do you think that the object of securing the *bona fides* of the undertaking, and the substantial character of the promoters, could be secured by any other system than that of depositing money ?—Yes; I think the deposit of money is an extremely clumsy and costly mode of enforcing obligations; it is a loss of the interest of the money, and it is an abstraction of that money from the purpose for which it is required.

143. Mr. *Edward Egerton.*] There is no loss of interest upon stock, for the interest runs all the time, does it not ?—Upon stock it does, but not upon money; there is a power, indeed, to apply to the Court of Chancery under the 9 Vict. c. 20, to have the money invested in stock; but at all events it is rather an unprofitable investment, and very often it is extremely inconvenient to a company which wants all the funds it can get to carry out its undertaking, to be obliged to lock up in the Court of Chancery a part of the funds which it might apply to the execution of the work; it seems to me a clumsy expedient, and if you can devise any security by means of a bond or pledge which will do instead of money, it will be a saving to the parties, and a much more convenient mode of effecting the object than by locking up the money.

144. Mr. *Brown Westhead.*] When a bond is given it is a bond of twice the amount, is it not ?—Yes.

145. Mr. *Selwyn.*] If the amount were paid to the directors after the Act was passed it would not be in any way prejudicial, would it ?—Then I do not see where your security is for completing the line.

146. They would give the same bond as they do now ?—That is the present law; the money is now paid to the company when a bond is given.

147. It is now paid to individuals, is it not ?—Yes, as it is supposed, on behalf of the company.

148. Mr. *Massey.*] Having ascertained as far as you can, the substantial character of the subscribers, would it not be sufficient to require from them a bond, the penalty of which should be enforced (of course it would be easy to make provision for that), if the works were not completed or advancing to completion within the period prescribed by the statute ?—That is what is now done.

149. But the penalty is not enforced ?—No; the penalty is not enforced.

150. If a provision was made for the enforcement of the penalty, in doing which there would be no difficulty, do you think that that would furnish the security which is now required ?—I think it would if the duty were made imperative upon the Treasury, it is their duty now by Act of Parliament; but if the Treasury could be put in motion to proceed upon those bonds, it would certainly effectuate the object of securing the completion of the line.

151. You stated did you not, that you thought there was no use in requiring a deposit from an incorporated company ?—I think there is no use in it.

152. Will you state more fully what your reason is ?—At present a Bill is either rejected, or it is passed; if it is rejected, the deposit is returned; if it is passed, a clause is put into the Bill, in the case of an existing company, that they shall be subject to a penalty of 50 *l.* a day if they do not open the line by a certain time; that clause being put in, they are authorised to have the deposit returned to them. That is the clause which is put in instead of the clause which is put into the Bills of new companies impounding the deposit. The Bills of existing companies are passed without the impounding clause, so that they are able to take the deposit out.

153. Mr. *Crawford.*] Has the question ever been considered of making the parties who are unsuccessful before Committees answerable in costs to the opposite parties ?—Yes, often.

154. There is no power to award costs now, is there ?—No.

155. Colonel

155. Colonel *Wilson Patten.*] It has been found to be impossible, has it not?—I think it has been decided by every Committee that has discussed it that it is impracticable; that to give to a body like a Private Bill Committee such great discretionary power would be dangerous.

156. *Chairman.*] Does not that difficulty of awarding costs enhance the necessity of providing a previous security against plans being improperly brought forward, which may seriously prejudice the interests of the parties affected by those schemes?—Undoubtedly it forms a very strong argument for providing the necessary security beforehand. If you cannot punish a person who harasses other parties by making him pay costs, you ought to take preliminary security that he is a proper and competent person to obtain the power he seeks.

157. In proportion to the difficulty of affording subsequent redress ought to be the care in providing preliminary security, ought it not?—Just so.

158. Is it not desirable to guard the public against, not only the harassing annoyance of their property being scheduled, but also the positive injury which affects some kinds of property by being scheduled at all?—Yes; I understand that actual and serious depreciation has been the result of notices being given for taking property.

159. In the event of an officer of the House being appointed to examine into the solvency of a company, do you at all wish to preclude the Committee on the Bill from pursuing an investigation into the solvency of the company?—I think it would be unnecessary that the Committee should do the same thing; I think, if it were thought right to give the power to investigate that subject to an officer of the House, there might be an appeal to the Committee of Standing Orders; but I think it would be inconvenient to have the inquiry twice over.

160. Committees on Bills are at present actually directed by the Standing Orders to inquire into the sufficiency of the means of the company, are they not?—Yes.

161. From some cause or other they do not generally do so, but they may do so?—They may.

162. Do you not think it very expedient that they should do so in many cases?—Yes, very much so; but as that Standing Order has been in force a very long time, and is very rarely, if ever, acted upon, I see no use in it.

163. May not facts come out before the Committee in casual examination, which might not by possibility have been brought before the officer of the House; take such a case as this: a prospectus is put before a witness to which his name is attached as a promoter; in the prospectus it is positively stated that a capital of 700,000 *l.* is provided already, and that only 300,000 *l.* or 400,000 *l.* more are wanted from the locality, and the witness is asked if he knows who the capitalists are, and he says he knows nothing about them, is not that valuable evidence to enable the Committee to form a pretty just judgment of the solvency of a scheme of that sort, and is it not evidence that it is very desirable should not be withdrawn from the Committee?—I think if you have an inquiry which affords satisfactory evidence that there are parties who are *primâ facie* competent to undertake the work, that ought to be enough.

164. Would you leave it to the discretion of the Committee, or would you wish it to be understood that they should be precluded from entering into the inquiry?—No; I should not wish it to preclude their entering into the inquiry; but they do not show any disposition to undertake the inquiry now, and therefore I do not think they would covet the duty.

165. Colonel *French.*] Would it not be most objectionable to have a second inquiry, when you had already established a preliminary inquiry conducted by an officer appointed by the House?—It might be so.

166. Mr. *Heygate.*] Supposing that new circumstances had come to light since the preliminary inquiry by the examiner, would there be any objection to the Committee entering into an inquiry upon those new matters? Supposing the names of Brown, Jones, and Robinson had been objected to before you, and you had been satisfied, but it was afterwards said that they were all bankrupts, and it came out that such was the fact, there would be no objection to the Committee inquiring again?—Perhaps it might be allowed in case of new facts coming to light.

167. Supposing your plan was adopted, the inquiry should only be made by the Committee in the event of something new having come to light since the former inquiry?—Yes.

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168. Colonel *French.*] Would not the same objection apply to every preliminary point?—Yes; there are many points inquired into now by the examiners, in which it might transpire that the examiner had been misled; but the Bill having once passed Standing Orders, those points are not inquired into afterwards.

169. Mr. *Tite.*] Practically, have you had any experience of the extreme difficulty of inquiring into a man's competency?—No; not to any considerable extent. I may say I have had a little experience. As examiner of recognizances, it is my duty to examine the sufficiency of election recognizances; and in case of any objection to the sufficiency of the sureties, I have to inquire into it, and have done so in certain cases.

170. In that case, I suppose you can demand a reference to a banker, if a man whose name you do not know, is proposed to be security for 1,000 *l.*?—I could call upon him to give any evidence which was needed to prove his sufficiency.

171. In an ordinary case, if a man, not Brown, Jones, and Robinson, but a man of ordinary respectability, put his name down for 15,000 *l.*, what means would you, or any officer of the House have, of ascertaining his competency to meet a claim of that amount?—The *onus probandi* would be on the objectors, and it would be a very heavy onus too, to prove that a man was not competent to pay the sum which he undertook to pay.

172. Colonel *French.*] Might you not have some statement in case it were necessary, to support the competency of any person?—I would not call upon a person at all until the other party had proved a strong case.

173. Mr. *Heygate.*] In election recognizances have you ever refused sureties?—Not for insufficiency.

174. The sum would be very much smaller there than it would be for a railway deposit, would it not?—It would generally be so.

175. Colonel *French.*] I think, in the Borough of Athlone Election case, there were three petitions, and all of them were rejected on the ground of security?—I do not recollect a case of a rejection for insufficiency.

Maurice Crosbie Conry, Esq.; called in, and Examined.

M. C. Conry, Esq.

176. *Chairman.*] You were kind enough to furnish me with a list of the Private Bills presented in the Session of 1864?—Yes.

177. Is that the list (*handing a Paper to the Witness*)?—That is the list.

Vide Appendix.

178. Will you hand it in?—(*The same was delivered in.*)

179. You also wrote me a note, containing a classification of the Bills, specifying in how many cases the warrants were granted to parties other than the directors, did you not?—I did.

180. Is this the note: "The accompanying Paper contains a complete list of all the Bills as to which warrants have been granted to persons other than the directors, &c., having the management of the undertaking, the total number being 148. In the total which I gave you this afternoon, I omitted four schemes which are not proceeded with. The number of warrants granted by this Office for the present Session may be thus stated: 148 to persons other than directors, &c.; 142 to directors, &c. only; total number of warrants granted, 290"?—Yes; this list is marked accordingly as cases in which warrants were granted to persons other than directors; it specifies 148 Bills.

Charles Edward Stewart, Esq., called in; and Examined.

C. E. Stewart, Esq.

181. *Chairman.*] You are the Secretary of the London and North Western Railway Company, are you not?—Yes.

182. I think you wrote a letter which is contained in the Report upon Railway Schemes in the Metropolis?—Yes, two letters.

183. In the first letter you referred to the great inconvenience that was caused to an existing company, by the promotion or the initiation of a great number of schemes, many of which probably might not be called into operation, did you not?—Yes; it is very difficult when the notices first appear to know what does or does not affect a company, with the ramifications of the London

London and North Western Railway Company; this printed document will indicate to you the nature of the investigation we have to make; this is a Report to the London and North Western directors of Bills which appeared specially to affect their interests; the number is 181; it occupied the special committee of the London and North Western Company two days going carefully through the list, to see which of those Bills they could safely abstain from opposing; which of the Bills they might rest satisfied with, if objectionable clauses were struck out; and what other Bills were to be opposed. Many of those Bills have never appeared at all, but still we had all the anxiety and the trouble of preparing to oppose them.

184. Mr. *Heygate.*] In how many cases did you petition?—Petitions were ordered to be prepared against upwards of 70 of these Bills.

185. *Chairman.*] The initiation of schemes at all events imposes a considerable amount of trouble and great expense, upon those who are likely to be affected by them?—Yes; very great anxiety and responsibility, because if a stage is permitted without our petitioning, we may find that a scheme, which perhaps from its title was apparantly innocuous, when examined proves to affect our interests very seriously.

186. Colonel *French.*] Your inquiry is whether it affects very seriously the interests of the London and North Western Company?—Yes.

187. *Chairman.*] What happens to your company would happen to any railway company in proportion to its size and the number of its junctions, would it not?—Yes; I may observe that the title of the Bill in no way indicates what the contents may be.

188. Mr. *Crawford.*] The title is a mere blind sometimes?—Yes; I recollect a case in which the title led us to believe that a Bill was simply an extension into some coal fields in Yorkshire; but on examination it was found to embrace numerous important objects, amongst others the compulsory use of various lines of railway, and of the costly stations of this and other companies at Leeds.

189. Mr. *Edward Egerton.*] What are called Omnibus Bills are brought in now, are they not, including many objects in one Bill?—Yes; the large companies do it to save expense.

190. The most different objects are comprised in the same Bill?—Yes.

191. *Chairman.*] Did you think, therefore, that an existing company is entitled to the enforcementof all the Parliamentary guarantees, in order to ascertain what are genuine *bonâ fide* schemes as distinguished from those which are not?—I think that that precaution is very desirable in the interests of railway companies, and also in the interest of the public.

192. Of course you are well acquainted with the present system of deposit, and the old system of the subscription contracts?—Yes, generally.

193. From your own personal knowledge, do you conceive that the subscription contract was necessarily a failure?—I think it failed from the indisposition of Parliamentary Committees to investigate those contracts, and even when they were impugned, and proved not to be *bonâ fide,* Parliamentary Committees very frequently showed very little disposition to act upon what I believe was the declared intention of Parliament in the matter; whether from the expectation that it would deter railway speculation or not I do not know; I believe the system broke down from that cause. I think the deposit of eight per cent. is very valuable at the outset as testing the *bona fides* of the parties making the application to Parliament; but I think that that alone is not sufficient; I think the deposits ought to be continued, because it is not too much to ask any person coming before Parliament to make a deposit of eight per cent.; but I would supplement that, by a subscription contract for the 92 per cent. remaining. I would require that subscription contract to be signed by *bonâ fide* subscribers, and although permitted to part with their shares, they should retain the responsibility in respect of payment up of the whole or a portion of the calls either by the persons to whom they transferred the shares, or by themselves.

194. What do you consider the essential objects of requiring a previous guarantee of some kind or other?—I think that Parliament should have a security for the construction of the proposed line. Parliament and the existing vested interests should have a security for the *bonâ fide* character of the application; and that it should not be what is known as a mere contractor's speculative application. I draw a wide distinction between two

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sorts of applications for lines. There is, first of all, a line dependent for its success upon the development of traffic, in respect of which there may be a difference of opinion. That is a perfectly legitimate description of application for a railway; but there is another description of railway, where there are really no shareholders, but where an engineer, a solicitor, and a Parliamentary agent, select a piece of country lying between existing interests; and with the aid of a contractor who engages to bear his portion of the expense, (upon the condition that if the line is granted, the work shall be let to him, and him alone, at prices to be fixed by the engineer), proceed to apply for their Bill. The risk is borne by those four gentlemen. If the Bill is lost, the expense is not large, for the solicitor and the Parliamentary agent and the engineer agree to accept their money out of pocket; that is to say, the actual cost, and a few thousand pounds covers the risk. If they succeed, they then set the rights so obtained, up to auction. The contractor, if it is a large work, gets 15 to 25 per cent. added to his prices, and it repays him; it is a good speculation; he can afford to incur a loss upon many of those transactions, recouping himself from the successful ones.

195. Can you illustrate what you mean, by stating to the Committee the facts of any particular case in the London and North Western Company's experience?—Yes; the case of a short line between Stafford and Uttoxeter, would illustrate that very well. That is a map of it (*producing a plan*). The green line was the proposed line between Stafford and Uttoxeter. Those were alternative lines proposed by the existing companies, and approved by the traders and the landed proprietors. The Earl of Shrewsbury and Mr. Kynnersley, of Loxley Hall, owned six miles out of the twelve.

196. All the landowners opposed the competing line?—Yes, the landowners opposed it; those two gentlemen owning six miles out of 12, came and gave evidence against it.

197. Mr. *Tite*.] Was it an entirely new company, or an existing company, that promoted the opposition line?—An entirely new company; I have with me some notes made at the time, and I will refresh my memory in my statement by referring to them. This railway was a mere link of about 12 miles in length, between the systems of the London and North Western and the North Staffordshire Companies, which together, represent an expenditure of nearly 60,000,000*l*.; the scheme was got up by a contractor, as a speculation; 130,000*l*. was the estimated capital required, and only about 3,000*l*. had been subscribed in the locality; I may state, that that 3,000*l*. was obtained upon the misrepresentation that the London and North Western Company were, in fact, supporting the scheme, and that they would take it up.

198. Mr. *Heygate*.] That is a common misrepresentation, is it not?—Yes, very common; of the 80,000*l*. for which the subscription contract is signed, 56,000*l*. was promised by the two contractors and two other persons, under the following circumstances: one having signed for 100*l*. converted it subsequently into 1,000*l*. by altering the deed. One having signed for 1,000*l*. converted it in a similar manner into 5,000*l*. The two contractors, Mr. Oakley and Mr. Field, having signed originally for 5,000*l*. each, converted the 10,000*l*. into 50,000*l*., by each adding the figure 2, before the sums originally signed for; such was the origin and character of the scheme. The landowners in the district of the line objected to it as seriously injuring their property, without meeting the public requirements of the case, namely, an efficient railway communication between Stafford and Uttoxeter, and also in a southerly direction connecting North and South Staffordshire in the most direct manner. The Earl of Shrewsbury and Mr. Kynnersley, of Loxley Hall, the two landowners owning six miles out of the 12, opposed it; the Earl of Shrewsbury came and gave evidence against it, and stated that there was no local support; that he knew nothing of the line in connexion with anybody except those two contractors; he did not believe that there was anybody locally interested; his Lordship said, that he did not believe there was anybody in the district who wanted that railway. The traders of South Staffordshire objected to the Bill as interposing a separate interest and management in the communication between the producing and consuming districts of North and South Staffordshire, depriving them of what is essential to the development of mineral traffic at low rates, unity of action, and interest in the conduct of such traffic. The railway companies objected to the Bill as granting most extensive and injurious compulsory rights

rights over their stations and lines of railway constructed at vast outlay of capital; powers of a very extraordinary character were given, which I will describe immediately. The railway companies offered to fill up the district in the manner which might be thought most expedient by Lord Shrewsbury, Lord Lichfield, Lord Bagot, Lord Harrowby, Lord Ferrers, Lord Anglesey, and Mr. Kynnersley, and failing an agreement with those noblemen, they offered to leave it to the Board of Trade. The Counsel for the Promoters boldly admitted that the line, unaided, was worthless; that no man in his senses would think of making it; accordingly, to give it value and make it marketable, powers of a most extraordinary character were sought in the Bill, viz., of using the entire of the lines and stations of the North Staffordshire and London and North Western systems, comprising 1,300 miles of railway, constructed at a cost of more than 50,000,000 *l.*; so supplemented, the contractors estimated their otherwise valueless scheme as worth at least six per cent.

199. Colonel *French.*] The Bill became law, did it not?—It did, with slight modifications.

200. *Chairman.*] What were the powers sought over your own line?—They were of so extraordinary a character that I would rather read the clause to the Committee than trust to any description I can give of it. First of all, they sought power to use the station of the North Staffordshire Company, at Uttoxeter, and to use a mile of their railway; then they joined the main line of the London and North Western, and they asked to use the Stafford station of the London and North Western Company, upon which 80,000 *l.* had just been expended to render it safe and convenient for their traffic; that 80,000 *l.*, of course, did not represent their total outlay there, but only the most recent addition to it. There was a further clause, to this effect:—"In order to facilitate the transmission of traffic coming to or from the railway of the company from or to any place or places on the railways of the North Staffordshire and London and North Western Railway Companies respectively, or from or to any places beyond, the company shall, for the purposes of all traffic whatever, whether passengers, cattle, goods, minerals or other things, from time to time and at all times hereafter, have the right to book and invoice through, over the railway of such other companies as aforesaid respectively, all such traffic intended to pass to or from the railway of the company to any place or places on the railway of such other companies, or to any places beyond; and such other companies respectively shall, for and in respect of all such traffic, at all times afford to and for the company all needful accommodations, facilities, and conveniences at, on, and over the line and stations, approaches, and conveniences of such other companies as aforesaid respectively, by the trains of such other company, and by through booking and invoicing, through rates, through waggons and carriages, and shall at all times and in all respects conduct, forward, and carry on, and accommodate all such traffic on equal terms with and as well as if it were their own proper traffic; and the charge to the company shall in no case exceed the mileage proportion of through rate in respect of such traffic, after deduction of the charges on goods usually agreed to be allowed between companies using the clearing-house, and called their terminal charges." And then it says, "If the company" (this small company, with a line of 12 miles) "think fit, from time to time, to have and employ at all or any of the places and stations aforesaid their own booking and invoicing clerks, and carting and other agents, the said other companies respectively shall provide all proper and needful accommodation for such clerks and agents." Then comes the consideration, as follows:—"Provided always, that the company shall afford to such other companies as aforesaid respectively all such and the like facilities in respect of traffic coming from or to the railways of any of such other companies to or from the railway of the company."

201. That was a line of 12 miles on the one hand, and lines of what length on the other?—One thousand three hundred miles.

202. Mr. *Edward Egerton.*] And they were to have the use of the station at Stafford?—Yes, that was included.

203. *Chairman.*] That was the clause that was in the Bill as presented to Parliament?—Yes.

204. Was it struck out, or what became of it?—In the House of Commons Committee there was such indisposition to hear what the counsel in opposition to the Bill considered the strong points of the case, that, under the

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advice of Mr. Welsby and the other counsel appearing for the North Staffordshire and the London and North Western Companies, they withdrew from further opposition in the House of Commons, believing that they would by that course be in a better position to oppose in the House of Lords. When attention was called to this clause in the House of Lords Committee, the promoters offered to withdraw the use of the entire system of the London and North Western and North Staffordshire Companies, and confine themselves to the Stafford Station and the Uttoxeter Station; but the clause, as I have read it, was in the Bill as actually introduced and passed through the House of Commons.

205. Mr. *Tite.*] In what year was that?—One thousand eight hundred and sixty-two.

206. *Chairman.*] What happened to that Bill in the House of Lords?—In the House of Lords it was slightly modified, but still it left the promoters the use of the Stafford station for all those purposes, granting it and the other most extraordinary powers, not only to the company, but to any company using their railway, or to any company with whom they chose to enter into agreements. In the House of Lords we threatened to oppose the Bill upon the third reading; we saw one of the Law Lords, who promised to bring the facts before the House, and then, but not till then, did the parties consent to introduce a clause neutralising many of those objectionable powers, rather than have a discussion in the House. We were thankful to accept that, rather than run the risk of what might be the result of a discussion; we did not know what accident might happen; it was a most serious thing, and had the Bill passed there would have been no alternative but to have purchased up those gentlemen at almost any price.

207. Colonel *French.*] Are the public accommodation and the interests of the London and North Western Company synonimous terms?—Generally, I think, they are.

208. Not always?—No, perhaps not always.

209. Do you not think that the Committee of the House of Commons and the Committee of the House of Lords must have had a strong sense of the importance of the line to have passed it in spite of your opposition?—I suppose they must; but the result proves that they were in error.

210. *Chairman.*] Would you give us the whole history of the line, stating whether it was made or not, and what has become of it now; did the Bill pass, to begin with?—The Bill passed.

211. Mr. *Edward Egerton.*] Without the clause you have read, I suppose?—With that clause, but with a clause which, to a great extent, neutralised it.

212. Mr. *Heygate.*] It gave them the joint use of the Stafford station, upon which you had expended 80,000 *l.*?—Yes.

213. Mr. *Selwyn.*] The Bill passed on the 29th of July, 1862?—Yes, in July 1862; but there was a clause to this effect, I think, which we required them to give us: "Provided always, that the powers hereby given, shall not be used so as to divert any traffic from the lines of the London and North Western or the North Staffordshire Railway Companies, or either of them, where they form the shortest railway route;" of course that mitigated it; it saved London and Liverpool, two very important places, and Birmingham also. But it leaves those gentlemen free to carry to almost all the east coast of England; they may carry wherever their line forms the shortest route, and instead of paying us the six mile toll granted by our Acts of Parliament, they may carry for half a mile over our main line, and pay us a mileage proportion for half a mile only. As the clause originally stood, the effect would have been this: they might have booked a passenger from Stafford to London, and required us to take him away, actually carrying him half a mile from London; that they carry him on by a circuitous route, at a very low rate, in order to compel us to purchase their line.

214. Colonel *French.*] You have stated that you laid out 80,000 *l.* upon the Stafford station, was not that all expended before the Act passed?—We had just expended it.

215. Therefore there was no additional sum laid out in consequence of this Act of Parliament?—No; our case was, that we had already expended it.

216. *Chairman.*] What was the time prescribed by the Act for the completion of the works?—I forget the time.

217. Are they completed now?—No; the works are going on, but I believe very

very slowly; the parties are in a sea of litigation now in Chancery. The Master of the Rolls recently gave four judgments in one day in connexion with this Railway. Of course, I express no opinion as to the truth, or otherwise, of the allegations which those gentlemen are making in their Bills in Chancery; but they allege fraud, and they allege, what we knew to be perfectly true before, namely, that there was scarcely a *bonâ fide* shareholder in the whole concern. The two companies, the North Staffordshire and the London and North Western Company, have refused to purchase the line, or to buy off the Promoters. We rely upon the clause inserted on the third reading in the House of Lords to mitigate the consequences that would otherwise have followed from the passing of the Bill as passed by the Committee.

218. Colonel *Wilson Patten.*] You have not answered the question of the Chairman, as to what state the works are in now?—The works are going on now. I happened to travel up with the Earl of Shrewsbury the other day, and he said that his only anxiety now was, that they might have money enough to finish the works, for they had done all the mischief they possibly could; they had cut up his land, and his apprehension now was, that they might not have money enough to finish the works. He said the works were an eyesore to him in their present state; and his Lordship added, when the works are completed, the line is in the wrong direction, and not what is required. I may observe that Mr. Field the contractor was the principal, if not the sole, promoter of the Stafford and Uttoxeter scheme; and probably, except for the encouragement given to him in that first link of the chain, he would not have ventured upon the bold irregularity which has led to the appointment of this Committee, and to the present inquiry.

219. *Chairman.*] I believe Lord Harrowby could not get a *locus standi* to appear against the Bill?—No; but he gave evidence against the Bill. I may mention that the case against this line was, that it would not pay from its own resources; that it depended entirely upon those extraordinary powers which they sought to obtain from the existing companies, and that was not denied; on the contrary, it was boldly admitted.

220. Was an application made to the London and North Western Company by this company, to purchase them or to help them?—Yes, in the origin of the scheme. We declined having anything to do with them; however, their agents succeeded for a time in imposing upon a few people at Stafford; but the fact was brought to my knowledge, and I at once disabused them of the notion that we had any connexion with it. I believe they got no local support whatever.

221. My question was, did this company ever apply to the London and North Western Company to purchase them up, or to assist them with money after the Bill passed?—Yes; but that application was not in such a form that I would desire to put it in evidence.

222. Colonel *French.*] You are not apt, I believe, to make purchases now; you have made some bad ones?—Some bad, some good; but I think not bad on the whole.

223. The Trent Valley Line, for instance?—We could not do without the Trent Valley Line, but that was before my time; it ought, perhaps, to have been bought cheaper, but I do not know that that was such a bad purchase.

224. *Chairman.*] Will you continue your account with respect to this company?—I stated that it was admitted that the line would not pay from its own resources. That fact was not denied; indeed, the counsel for the Bill said to me, in his cross-examination, "If the line, according to you (and I tell you that we agree with you), would only pay two per cent. without access to the stations, do you believe that we should be foolish enough to carry it on to a third reading if we lose these powers:" that is the admission of the promoters of the Bill. My evidence was, that it would not pay two per cent. The counsel said, "If it would not pay two per cent., and we agree with you that it would not, should we be foolish enough to carry the Bill on to a third reading without these powers." I said, "You ought not to carry it on to a third reading if it cannot be honestly made."

225. Colonel *French.*] Does it pay more than two per cent.?—It is not made yet.

226. Mr. *Brown Westhead.*] Did they advertise for a proprietory after they got their Bill?—Yes.

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227. Stating that they had received those extraordinary powers from Parliament?—Yes; I have seen a copy of the advertisement, published nine months after the Act was passed. It states that the railway was projected "by a number of gentlemen, landowners, and others interested in providing better railway communication between North and South Staffordshire, &c."; and it goes on to say, "the Act authorises the company, and all companies lawfully using this railway, to use the existing lines and stations of the London and North Western and North Staffordshire Railways at Stafford, Uttoxeter, and Colwich, and to employ their own booking clerks and agents in the offices of those companies. The company are also empowered to book and invoice all traffic intended to pass to or from their railway to any place or places on the lines of the London and North Western and North Staffordshire Companies, or to any place beyond; and those companies are required to forward and accommodate all such traffic on equal terms with and as if it were their own proper traffic; and the charge to the company is in no case to exceed the mileage proportion of through rate in respect of such traffic. A contract for the construction and completion of the whole line within 18 months has been entered into with a responsible contractor for a guaranteed amount. Possession of the land has been obtained; the works will be commenced forthwith, and prosecuted with the utmost vigour. Looking at the position of this undertaking, the extraordinary and unprecedented powers which it possesses under the Act already obtained, of forwarding traffic over the neighbouring companies' lines, and the great saving in distance and time which it effects, there cannot be a doubt but that the line will form a most important link in the railway communication of the district, and secure to itself a very large remunerative traffic. A large number of shares has already been locally subscribed for. Applications for the remaining shares, accompanied by a deposit of two per cent. (without which no application will be entertained) may be made to the brokers," &c.

228. Mr. *Heygate.*] Have they got many shareholders?—I believe not.

229. Colonel *French.*] You say that they have begun the works?—Yes; they are constructing some bridges, and Lord Shrewsbury told me that they had cut up his land.

230. *Chairman.*] With regard to the deposit upon this railway, do you know the circumstances under which the deposit was procured?—No. Of course they deposited their 10,400 *l.* in the Accountant General's hands; but, in connexion with that subject I must say, that I do not think it signifies so much where the money comes from if Parliament have the 10,000 *l.* I think the important question arises upon the subscription contract, and that in case it is objected to it should be investigated, with respect to the liability for the 92 per cent. I think the 8 per cent. deposit would also be valuable in this respect, that it would probably prevent the necessity for that scrutiny which would otherwise take place in every instance, as a matter of course. The very fact of that scrutiny being inevitable might deter many landowners and others from signing a subscription contract; whereas if they knew that the deposit of 8 per cent. would render that scrutiny a matter, not of certainty, but a thing to take place only when the contract was impugned, I believe landowners and others would be ready to sign the subscription contract. I should be very sorry here, although I am connected with an existing company, to advocate anything that would interpose a difficulty in the way of landowners helping themselves to railway accommodation. I think that nothing that would have that tendency should be done.

231. Colonel *French.*] Is that 10,000 *l.* deposit still lodged in the hands of the Accountant General?—It will be found there unless they have given a bond and obtained it out of court.

232. You do not know whether they have done so or not?—I do not know.

233. *Chairman.*] Were you aware that in the case of that particular company the solicitor and Parliamentary Agents gave an agreement to the parties who lent them the money that the Bill should not be read a third time in the House of Lords unless the sum deposited had been paid or satisfactorily secured to the party lending it?—I am not aware of the fact in this case, but it is a very common practice.

234. It is within your knowledge that they are now in the Court of Chancery?—They are. Mr. Field, one of the contractors for that line, and the principal promoter, was also the promoter of the line which has lately been the subject of inquiry, and which has given rise to the appointment of this Committee.

mittee. I believe the course pursued in the Stafford and Uttoxeter Railway has been the real cause of your having to sit here to-day, and that Mr. Field would never have ventured upon this bolder experiment had he not been so successful in the Stafford and Uttoxeter case.

235. Colonel *French.*] Are you aware that Mr. Welsby has given his opinion that this system of issuing warrants to persons other than directors is perfectly legal and proper?—It is quite within the letter of the Standing Order (I think there can be no doubt of that), and I may say that the parties might fairly claim to be within the spirit of it, because Parliament had been perfectly aware of the facts; nothing could have been brought before Parliament more clearly than that the letter and the spirit of the Standing Order have been evaded, yet no displeasure or discouragement was shown.

236. *Chairman.*] There is a distinction, we know, between things being known and their being officially known: was it ever brought before a Committee of the House of Commons previously to the report of the Committee in regard to the Sheffield, Chesterfield, and Staffordshire Railway?—I do not know that it was brought before the House; but in this Stafford and Uttoxeter case we brought the subscription contract to the Committee Table, accompanied by a magnifying-glass, and showed the Committee the changes that had taken place; it was clearly shown that Mr. Field had first of all hoped for a good deal of support, and had subscribed 5,000 *l.*: his partner subscribed 5,000 *l.* also, and two other parties 1,000 *l.* and 100 *l.* Local support having failed them, they added the figure "2" before each of the 5,000 *l.*, and so converted the 10,000 *l.* into 50,000 *l.*; there was no *bona fides* in that transaction.

237. Colonel *Wilson Patten.*] The question was whether the fact of the money deposited not being money belonging to the promoters had been lately brought out before any Committee?—No; but I do not think much importance was ever attached to that in any inquiry.

238. You stated that Parliament knew it; you must be aware that Parliament had no legal knowledge of it?—No doubt, but it was notorious.

239. *Chairman.*] The history of this railway was simply this, that it was a railway carried on against the wishes of the landowners in the neighbourhood through which it passed, and that it sought for extreme powers over the London and North Western Railway, which were afterwards abandoned?—They were neutralised to some extent.

240. The railway has terminated in the Court of Chancery, has it not?—Yes.

241. Mr. *Tite.*] You were asked whether you had written two letters: by whose authority were those letters written, and what was the subject of them?—The authority was that of the directors of the London and North Western Railway Company, and the subject of them was the metropolitan railways.

242. The inner and outer circle?—Yes, all the metropolitan railways. I daresay you will recollect that there were about 33,000,000 *l.* proposed to be expended on railways in London; I may say (though of course I have no exact knowledge of the fact) that I do not believe there was a single company, in the sense intended by Parliament, in connexion with those 30,000,000 *l.*; they were promoted only by the professional men, who made the survey, in the way I have described, on the chance of their being able to turn them to account.

243. What was the result of those two letters; was the outer circle struck out?—The outer circle, or at least a large portion of it, was abandoned by the decision of the Joint Committee.

244. And the inner circle was allowed to proceed?—That is now under consideration.

245. Were the inner and outer circles promoted by the same three gentlemen: the same solicitor, the same engineer, and the same Parliamentary Agent?—Yes, I believe so; and I may add that one of the notices embraced 37 separate railways.

246. The fact was that it was simply the cutting up of one line into 37 pieces?—Yes.

247. They were promoted by the same three gentlemen?—Yes, I believe so.

248. Do you recollect the amount of the deposit that was found in that case?—I think it was 600,000 *l.*, in one case.

249. Was it not 800,000 *l.*?—I know that in one Bill it was 600,000 *l.*

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250. Was that all borrowed, as far as you know?—I have no personal knowledge of the fact, but I have no doubt that it was.

251. Then, in those cases of the metropolitan lines, do you believe that there was any company, or any promoters, or anything, except the three parties you have referred to?—No; neither in that case, nor in any other that I know of connected with the metropolis.

252. Do you know whether any of these new metropolitan railways had any promoters or any shareholders; or whether anybody had any interest in it, except the solicitor, the engineer, and the Parliamentary Agent?—That is my belief.

253. Mr. *Heygate.*] Is that description which you have given of the mode in which these railway schemes have been got up applicable, to your knowledge, not only to the metropolitan, but to the majority of instances in the country at large?—Yes, it is; in fact, railway property is now regarded as so insecure, that no *bonâ fide* capitalist will place his money in a new railway. A landowner, who looks for some advantage to his land, or a contractor who looks for an advantage in the construction of the work, may agree to find the money; but nobody who wants a safe investment will, under present circumstances, put his money into new railways.

254. Then the large majority of the schemes that come before Parliament every year have no shareholders at all?—The existing companies may promote lines, either for the development of traffic, or for the protection of their existing traffic; but I do not believe that there are ever any shareholders in new companies, except in remote districts: for instance, in the North of Scotland, the Perth and Inverness Railway, where the landed proprietors, aided, no doubt, by a contractor, are now extending the railway system. That is *bonâ fide*, and perfectly legitimate. Whenever you come into the vicinity of existing railways, you will find that there is no *bonâ fide* subscription at all; it is either a contractor or an existing company promoting the Bill, under the guise of a landowner line, as they sometimes do. An established company, in order to steal a march upon a neighbour, will have a line projected by some persons in their interest, on the understanding that the Company are to purchase it up afterwards.

255. Mr. *Selwyn.*] You say that the four persons who usually promote Bills are the engineer, the contractor, the solicitor, and the Parliamentary Agent?—Yes.

256. You say it is usual, also, for the contractor to get the contract?—Yes; that is his consideration.

257. How much advance does he get upon it?—From 15 to 25 per cent.

258. The engineer is pretty well paid too, is he not?—Yes; his bill will be paid in full.

259. Without being taxed?—Yes.

260. The solicitors and the Parliamentary Agents are well paid also, are they not?—Yes.

261. Therefore it is the interest of all those parties to make the line as dear as they can, is it not?—I do not know that I can say that.

262. Mr. *Edward Egerton.*] Is not the contractor paid in shares generally?—Yes.

263. Does not that add 25 per cent. to the price of making the line?—I believe 15 or 20 per cent. may be taken as the addition.

264. The fact is, that his being paid in shares adds about 15 or 20 per cent. to the cost of the line?—Yes; but to set against that, you must remember that if the line is three years in construction, he does not get any interest for that time. A large portion of that 15 or 20 per cent. is therefore represented by the interest which he foregoes; whereas, if he received his money as the work proceeded, it would have been making interest for him.

265. Colonel *Wilson Patten.*] Have you paid sufficient attention to the matter to have a knowledge of the proportion of the whole number of Railway Bills now before Parliament, which were promoted in the way you have described?—I cannot say. I will have a list prepared, but of course it will be a mere approximation.

266. Mr. *Edward Egerton.*] Can you ascertain, out of the 180 odd which your company were bound to watch in some way or other, how many were promoted by *bonâ fide* companies, and how many in the way you have described, by

by the solicitors, and so on?—Yes; but it would be a little invidious to give the names.

267. Mr. *Selwyn.*] You might mention the number, without giving the names?—Yes.*

268. Mr. *Tite.*] With respect to these inner and outer schemes that you have adverted to, do you know how their getting up was arranged; who undertook to pay the expenses?—No, I do not; I have a suspicion, but of course I should not like to state it.

* *Vide* Appendix.

269. *Chairman.*] Will you kindly state what you consider the objects of requiring this guarantee are?—I think the objects should be a reasonable security to Parliament that if they sanctioned a Bill the line would be constructed; and, secondly, that they should have a ready means of testing the *bona fides* of the parties applying; it is important, I think, upon every ground, that they should have a ready means of satisfying themselves as to the *bona fides* of the parties. I would not propose to make any question as to where the eight per cent. came from, but I strongly advise Parliament to get hold of the money, the eight per cent., and to have it at the disposal of the Committee. Then, if the subscription contract is impugned, let it be investigated, as has been suggested, by a public officer; if it is not investigated by the Committee, then, I say, let it be investigated by a public officer of the Houses of Parliament; but let the inquiry be made in public; do not let it be done by a public Board, where the inquiry is not made in public.

270. Mr. *Brown Westhead.*] You mean by a private Board, I suppose?—No, I mean by a public Board, the Board of Trade, for instance; do not let the inquiry be made by the Board of Trade, or any Board of that kind; let it be made in public, like the inquiries before Select Committees of Parliament; I think publicity is a great merit.

271. Mr. *Edward Egerton.*] Do you see no evil in promoters being able to borrow money, as they can now, and replacing it when it has served its purpose?—I would supplement the deposit by a contract for 92 per cent., to be inquired into whenever a suspicion exists, and when any person will take the responsibility of impugning the contract, and requiring an investigation.

272. Do you not think that it is far better that the money should be the money of the people actually concerned in the railway?—In every *bonâ fide* case I think it would be so; I am afraid that if you required these subscription contracts to be reported upon in every case by the Committees on the Bills, it would be a mere matter of form, and drop through as the old system did; I think you should have something that will justify Parliament in not investigating the subscription contract unless some opponent impugns it; I would also hold the eight per cent. deposit liable and responsible for the reimbursement either of the promoters or opponents of the Bill who, in the unanimous opinion of the Committee, had been subjected to unjustifiable expense.

273. *Chairman.*] Perhaps you are aware that the question of costs has been very much considered by previous Committees, but I believe that no satisfactory solution has been come to about it?—I believe the Committee that sat last year rejected the suggestion, but I think, upon further consideration, Parliament would at all events do well to make the experiment; they might limit it, in the first instance, to the unanimous decision of the Committee, or at least to a majority of four to one, or something of that sort; it is an experiment that is looked upon with alarm by both sides, I believe, especially by the existing companies; they think that the sympathies of the Committees will be with the individual, and that the individual will get his costs, and that the established company will not; I am perfectly aware that there is that risk; still I should like to see the experiment tried; I believe good would result from it upon the whole.

274. Mr. *Selwyn.*] Then you would make the deposit a guarantee for the costs?—Yes; but there is this difficulty which Parliament would have to provide for, that although the deposit is a guarantee as respects the promoters of the Bill, you have no security for the costs, if opponents put the promoters to a vexatious opposition. I think Parliament might require any person coming to oppose to be responsible for a reasonable sum. The Parliamentary Agent appearing, either by himself or by counsel, might be required to be responsible for 50 *l.* a day, or any reasonable sum, if the Committee should think that his opposition had been frivolous or unjustifiable.

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275. Mr. *Edward Egerton.*] You would hardly require that in the case of a landowner opposing a line going through his property, would you?—The Committee would not award costs against him unless the landowner continued his opposition day after day, when he ought not to do so.

276. *Chairman.*] You have been in the habit of attending Committees of the House of Commons, and are able to form a very good judgment upon the influences that act upon the minds of Committees, and the average results that they come to; do you think that it would be expedient in any cases to prevent a Committee from investigating the *boná fide* nature of the transaction?—No, certainly not. I think not only that they should not be prevented, but that there ought to be an instruction to them to do it; they ought to feel that it was a responsibility cast upon them. I think it has been suggested that some public officer should make a preliminary investigation that would facilitate the inquiry of the Committee, but the final decision upon the contract should rest with the Committee.

277. Do you think that any investigation by any public officer could so completely exhaust the subject as to render it inexpedient that the Committee should have the power, upon evidence that occasionally comes before them, that could not have been anticipated, to enter into the question of the *boná fide* nature of the subscription contract?—I think the adoption and confirmation of the officer's report should rest with the Committee, and the responsibility should rest with the Committee.

278. Do you not think that there is a danger in the Committee resting upon the preliminary investigation of the examiner, and the examiner rather reclining upon the possible subsequent investigation of the Committee?—No, I do not. I believe that if the system were placed upon a sound footing, it would very rarely occur that Committees would have the trouble of investigating the subscription contracts.

279. Colonel *Wilson Patten.*] You have had much experience in these matters; do you think it desirable to add another subjecct to the subjects which we now submitted to a Railway Committee of the House of Commons?—I believe this plan would tend to shorten their labours very much.

280. Colonel *French.*] You are aware, are you not, that great complaint is made as to the enormous expense of going before Parliamentary Committees, for the purpose of obtaining powers to construct railways?—A great point has been made of that in the recent inquiries, and I think a much greater point than its importance deserves. I think the satisfactory nature of the tribunal is much more important than any question of expense. I think when you consider that there are nearly 400,000,000 *l.* of capital invested in railways, it is not a question of expense, but it is a question of the best possible tribunal. That alone will restore confidence to the public mind in this property, which has been very much shaken now. It is no disrespect to say this, because Parliament itself is dissatisfied with the existing tribunal.

281. Do you think it would add to the public dissatisfaction if, after a decision by an officer appointed by Parliament, a question were re-opened, which had been already settled; would it not add to the expense, to begin with, if a question that was supposed to be concluded, was re-opened before the Committee?—I would allow it to be re-opened only at the risk of the parties desiring to re-open it.

282. You stated that you considered Parliamentary Committees to be the best tribunal for the purpose of such business as the authorising the construction of railways?—You misunderstood me; I drew a distinction between a tribunal where evidence is taken in public, as it is before a Parliamentary Committee, and a tribunal such as a public Board, where the parties are heard with closed doors.

283. Mr. *Selwyn.*] You prefer publicity to a private inquiry, do you not?—Yes, certainly. My answer would not have been that I thought a Parliamentary Committee a satisfactory tribunal for the purpose of authorizing railways.

284. Mr. *Tite.*] Do you recollect the old system when a deed was demanded under the Standing Orders of the House?—Yes.

285. Did you ever see a deed with only four names to it?—I do not remember that I ever saw such a deed.

286. Cannot you conceive it possible that the requirement might be met by putting down four names, the name of a solicitor of undoubted wealth, the name of

of an engineer of great respectability and wealth, and the name of a contractor of equal respectability and wealth, and a fourth name of the like kind; that would meet the law according to your understanding of it, and would not be subject to any inquiry whatever?—Then that would be an important fact; and if anybody chose to say, I insist upon this contract being examined, I will show you that these are four professional men highly respectable and very wealthy, and quite capable, if you like, of making the railway; but the fact of four professional men being the sole promoters ought and would have its influence with a Parliamentary Committee.

287. You do not recollect the cases in which it occurred, perhaps; did it have that effect, to your knowledge?—No, the evil had not reached the point which it has done now; I think we have arrived at a state of things now when it is essential that this inquiry should be made.

288. It is your opinion that if such a fact came out that there were four very respectable and influential names to a contract, it ought to influence the Committee not to pass the Bill?—Yes.

289. Mr. *Selwyn.*] They being only professional men?—Yes; it is quite clear that they do not intend to find half a million of money for the *bonâ fide* purpose of making the line; they intend to construct the railway and sell it.

290. Mr. *Tite.*] You would have the additional deposit, and you would have a deed according to your recommendation?—I would have a deposit of 8 per cent., or any other reasonable sum, and a deed for the remainder.

291. Still you would not ask where that 8 per cent. deposit came from; whether it was subscribed or borrowed?—I should ask no question as to that.

292. Colonel *Wilson Patten.*] You would only require that the 8 per cent. should be *bonâ fide* the property of the directors, and invested in their names?—Yes; in the names of one or two individuals who could in case of doubt be called before the Committee and questioned whether that money was deposited with the Accountant General, with any reservation as to the Royal Assent or the third reading not being taken, except in certain circumstances.

293. Mr. *Heygate.*] Or subject to any trust?—Yes, subject to any trust. I do not think it is right either to the Committee or to the parties opposing that the discussion upon a Bill should go on for weeks, and yet that it should be in the breast of some man in the city who has never been before the Committee at all to say whether the Bill shall go on at all or not.

294. Mr. *Tite.*] How is that to be guarded against unless there is some forfeiture to follow?—You have first of all the character of the promoters, then their liability in the subscription contract to the extent of 92 per cent. of the estimated cost, and you have, what I consider a minor security, the 8 per cent. deposit.

295. You suppose, of course, that the first part is not to be evaded—that it is to be a *bonâ fide* subscription contract?—Yes.

296. If four good men, or indeed only one good man, put their names to it, would this be a legal fulfilment in your view?—A legal fulfilment it would be; but I think, if there were any good reasons against the Bill, that fact ought to weigh with the Committee when they were considering the Bill.

297. Do you know whether that has been done in previous cases or not?—I am afraid it has not been done.

298. Do you not think that it would be a better security if we knew that the money was the money of the promoters, and not borrowed?—I am afraid you will never have that security; it will be evaded. I may mention, reverting to the subscription contracts, that a certain fiction was gone through; then as now, the money came from A, B, and was deposited at the Bank; but a blank cheque-book was provided, and all the parties who signed the subscription contract drew cheques for the amount; that was the first step in deception.

299. In the case of existing companies, if I recollect rightly, the seal of the company or the signature of the chairman was considered sufficient?—Yes; then came the stoppage of the dividend clause, which operated very unequally.

300. Mr. *Edward Egerton.*] It operated very well, did it not, for some time?—I think it may have deterred large companies from accepting smaller railways; it is clearly wrong to make the penalty the same for a line costing 50,000 *l.*, and for one costing 1,000,000 *l.* One railway company divides 1,500,000 *l.* in dividends, while another divides 10,000 *l.* in the year; yet the penalty is the same in each case. The questions between these companies and

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the public are of equal magnitude; but the security in the one case is 1,500,000 *l.* and in the other case 10,000 *l.*

301. *Chairman.*] The penalty is now reduced to 50 *l.* a day, is it not?—Yes; but that operates unequally too, because that is continuous. If an existing railway company takes a Bill, it is liable to pay 50 *l.* a day for all time, whereas if an individual comes forward and makes the trial, he sacrifices his eight per cent.; he may stop; but an established company must go on. They must either spend the whole of the money, or go on paying 50 *l.* a day.

302. *Chairman.*] I should like to read to you one suggestion which has been made to me, in order to ascertain whether it at all meets with your concurrence:—"The money deposited to be accompanied with a subscription contract, in which the several sums contributed towards the deposit shall be set down against the names of the subscribers; the deposit, when paid out, to be paid to the company, the subscribers receiving fully paid-up shares to the amount of their several subscriptions"?—I see no objection to that; but I do not, myself, attach any importance to the latter portion of it; it is a mere matter of detail; in the first portion I entirely concur; it should be a deposit supplemented by a subscription contract.

303. Mr. *Selwyn.*] Would it not prevent the evasion if it were made compulsory that it should be paid back under the sanction of the directors appointed under the Act of Parliament?—It would be evaded, you should make it as simple as you can.

304. *Chairman.*] Have you anything you wish to add to the evidence which you have given to the Committee?—I think that the object of requiring promoters of new schemes to make a deposit or sign a subscription contract, should be; first, to ensure the construction of the line if sanctioned; second, to enable Parliament to judge as to the *bonâ fide* character of the application, and that the parties promoting measures are free agents. The subscription contract formerly in use broke down in consequence, I believe, of Committees failing to investigate such contracts when impugned, or to discourage, in any sufficient degree, parties proved to be prosecuting measures under false pretences. The deposit of eight per cent. has much to recommend it, and affords to Parliament, I believe, considerable security, under ordinary circumstances, for the construction of lines sanctioned; alone, however, the deposit is not sufficient, I would couple with it, or rather supplement it by a subscription contract for the balance of the estimated cost, the subscribers being held liable for the repayment of a certain proportion of this subscription; such a document would not only ensure the construction of lines sanctioned, but it would afford Parliament the easiest and surest means of testing the *bonâ fide* character of the proposed scheme. The money placed in the hands of the Accountant General, in the names of A., B. and C., the Committee would be in a position to call those individuals before them in case of need, and satisfy themselves, speedily and beyond evasion, whether or not they were free agents. The Committee should also, I think, have within their reach, funds from which to reimburse the reasonable costs of parties (whether promoters or opponents) who, in the unanimous opinion of the Committee, had been subjected to vexatious or unjustifiable expense. The exercise of this power might be made to depend upon the unanimous vote of the Committee, or on that of a majority of three or four to one. It is, I believe, the sanction given by Parliament to such schemes as the Stafford and Uttoxeter, that has thrown so much doubt on the stability of the 400,000,000 *l.* of capital expended on the construction of railways in this country, that has depreciated to so great a degree its value in the market that *bonâ fide* investors can no longer be found to embark capital in new railways.

Lunæ, 23° die Maii, 1864.

MEMBERS PRESENT:

Mr. Crawford.	Colonel Wilson Patten.
Mr. Edward Egerton.	Mr. Scourfield.
Colonel French.	Mr. Tite.
Lord Hotham.	Mr. Westhead.
Mr. Massey.	

JOHN HENRY SCOURFIELD, Esq., IN THE CHAIR.

Robert Kenrick Gibbons, Esq., and *Henry Mayne,* Esq., called in; and Examined.

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305. *Chairman.*] (To Mr. *Gibbons.*) YOU are, I believe, the Senior Clerk in the Private Bill Office?—I am.

306. How many years have you been in that office?—I have been in that office 11 years this Spring.

307. What is your particular duty with regard to the Private Bills that are presented to Parliament?—I examine all the Private Bills as to certain forms and regulations of the House between the first and second reading, in order to see whether matters are properly put in italics, as required by one Standing Order; and if there is any clause referring to Stamp Duties, that such clause shall be in italics, and so on—that is one part of my duty. Another duty I have is to make a tabular statement of all the Private Petitions and Bills, and the progress made in those Petitions and Bills throughout the Session. That table is printed, and I examine from time to time the proof sheets, and it is issued three or four times every Session. I keep the accounts of the office and of the fees which are paid in. I receive the fees, and keep them, and hand them over from time to time to the Clerk of the Fees.

308. I suppose, generally speaking, your duty is to ascertain that the proceedings with reference to Private Bills are in strict conformity with the Standing Orders of the House?—Yes, just so.

309. With reference to the list of Private Bills brought in this Session, specifying those for which warrants have been given to parties other than directors or promoters of the undertaking, which was sent to me from the Private Bill Office, are you cognisant of that (*handing a paper to the Witness*)?—Yes, it was prepared by Mr. Conry.

310. (To Mr. *Mayne.*) In a return we have received from the Accountant-General's Office, delivered this morning, it is stated that there have been deposits upon 270 Bills lodged with the Accountant-General. I perceive in the Private Bill Office list there are 290 Bills—how do you account for that difference; I suppose some of them have fallen through?—We received requisitions for 290 Bills; we counted the requisitions which we received; it is very possible that in some cases the parties to whom we gave warrants did not take them to the Accountant-General; they may not have got the money.

311. Colonel *French.*] Is it a part of your duty to see that the deposits have been lodged?—No, certainly not; we know nothing of what is done from the time we grant the warrant for the deposit.

312. *Chairman.*] By this return which has been delivered this morning from the Accountant-General's Office, you will see that the number of deposits stated there is 270, your number being 290?—Yes, my explanation is, that the parties

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may not make a deposit though they get a warrant; of course I cannot speak to that.

313. Colonel *Wilson Patten.*] (To Mr. *Gibbons.*) You are aware of course of the provisions of the 9th Vict. c. 20, having regard to deposits?—Yes.

314. I believe it appears that from the date of that Act, in 1846, up to the period of 1862, warrants were issued from your office on the requisition of promoters and directors, or shareholders only?—Yes, and down to the present time warrants have been granted on the requisition of directors or managers of the undertaking; but the requisition is one thing and the warrant is another.

315. From the year 1846 up to the year 1862, it appears that the warrants have been filled up only with the names of parties interested in the railway?—Yes, to no other parties than directors, or persons in a similar position.

316. It appears, from your statement, that you have been eleven years in the office, and that of that eleven years you have been for nine years acting under that old practice?—Yes.

317. In which you refuse to fill up a warrant with the name of any person, except somebody personally interested in the undertaking?—I do not think the application was ever made until 1862, and therefore we cannot be said to have refused it.

318. Are you sure of that?—Yes, I am sure.

319. (To Mr. *Mayne.*) Do you agree with Mr. Gibbons upon that point?—My belief is, that no application was made in a formal way at all, but I should not like to go so far as Mr. Gibbons, and to say that warrants were never made out to third parties at all, because I believe you will find many cases in which warrants were made out partly in the names of third parties.

320. Has not there been, from your office, a refusal in writing given to a party who wished to have a warrant filled up with the names of persons who were not parties to the undertaking?—In my opinion, that has not been the case. I have never heard of such a refusal, either in writing or in any other shape.

321. (To Mr. *Gibbons.*) Up to 1862 you did not grant such a warrant?—Up to 1862 we did not grant it. I am not aware of there having been any application for it.

322. In 1862 the practice varied. You then commenced granting warrants to parties, not parties to the undertaking?—Yes.

323. May I ask upon whose application that change was made?—It was on the application of Parliamentary Agents. I think it was the firm of Messrs. Dyson, Hall, Parkes, Coates, and Shrubsole. I think Mr. Shrubsole was the partner who came to us about it. He came on the part of Messrs. Baxter and Co., and represented that it was their opinion that there was nothing in the Act to prevent warrants being granted to persons other than directors or persons having the management of the undertaking, and upon that we granted the warrants to other parties. That was in January 1862.

324. Did that require a good deal of discussion before it was done?—I was not present at the discussion. Mr. Hodgkin granted the warrant. The application was made to him to grant it, and he looked at the Act and thought that he was justified by the Act in granting it; in fact, that he considered that he would not have been justified if he had refused it.

325. Was not the application made more than once before it was acceded to?—Not that I am aware of.

326. Mr. *Tite.*] Who is Mr. Hodgkin?—The second clerk in the Private Bill Office.

327. Colonel *Wilson Patten.*] In 1862, at any rate, there was a variance from the former practice?—Yes.

328. Up to 1862, had you any doubt in your own mind as to what the object of Parliament was with regard to the deposit?—My attention had not been particularly called to it up to that time; the thing went on in the regular course, as it had done from the commencement, and no question ever arose. The matter went on in a groove, in an undeviating course; no question had arisen until 1862, when the Parliamentary Agent whom I have named, came and represented to Mr. Hodgkin that his solicitors, Messrs. Baxter and Co., thought that they were not precluded by the Act from having a warrant issued

to

to other parties than directors. Mr. Hodgkin examined the Act, and thought that he would not have been justified in refusing such a warrant.

329. Did you endeavour to ascertain in your own mind what was the object of Parliament in instituting the requirement for that deposit before you granted the warrant?—As I say, I was not present at the time of the application. Mr. Hodgkin afterwards told me what had passed. I do not recollect when he did so; indeed I had forgotten the circumstance altogether until lately; but when he mentioned it to me, I thought he was warranted by the Act in doing what he had done. What brought it to my memory since the affair of the Sheffield, Chesterfield, and Staffordshire Railway, was a discussion upon the words of the Act, in which a distinction was drawn between the application of directors for a warrant, and the terms of the third clause, where it says, "The person or persons named in such warrant," apparently implying that they might be other persons than the directors, because the natural thing would obviously have been to have said, "Such directors or persons named in the warrant or order;" it does not say so; it says, "The person or persons named in such warrant or order;" it does not say "For the said directors." I think that phrase would more clearly have expressed the intention so to limit it.

330. Had your attention been called to the first part of the second section, commencing thus: "That in all cases in which any sum of money is required by any Standing Order of either House of Parliament, either now in force, or hereafter to be in force, to be deposited by the subscribers to any work or undertaking which is to be executed under the authority of an Act of Parliament, if the director or person, or directors or persons having the management of the affairs of such work or undertaking, not exceeding five in number, shall apply to one of the clerks in the office of the Clerk of the Parliaments with respect to any such money required by any Standing Order" of the House of Lords, "or to one of the clerks of the Private Bill Office of the House of Commons, with respect to any such money required by any Standing Order" of the House of Commons?—Yes, my attention was called to that.

331. Did not that suggest itself to you as showing the object that Parliament had in view, in requiring any deposit at all to be made?—I think the second clause is the clause we chiefly rely upon for the course we have taken; the second clause refers to the Standing Order, which only requires a deposit to be made, and the second clause only renders it lawful to grant a warrant.

332. I refer to the preface to that clause?—I say with regard to that, that it strikes me very strongly, and did at the time, that the Standing Order which existed at the time when this Act was passed has been repealed, and that therefore there is now no Standing Order which requires money to be paid by the subscribers; that was abolished in 1858, and therefore so much of the Act as relates to money to be paid by subscribers, I consider to be a dead letter. The Act, taking a broad view of the case, authorises the granting of a warrant, and authorises the Accountant General to receive the deposit and to open an account, but so much of this Act as relates to the Standing Order requiring money to be paid by subscribers, I think is a dead letter, because there is now no Standing Order requiring money to be paid by subscription.

333. Is not there a clause in the Act authorising the parties to make a deposit of stock instead of money?—Yes, the third clause.

334. Does not that clause, in authorising them to make that deposit in stock, expressly say that they shall do it when the directors have previously invested the money?—Certainly it does.

335. Do not you think that that again shows the object of Parliament?—Yes, I admit that I think the intention of the Act was that money should be deposited by subscribers, I mean to say by the promoters of the undertaking, and this clause certainly bears that interpretation. But since 1858 the Standing Orders do not require subscriptions; they do not require subscription contracts or subscription lists in any form, and therefore that condition cannot arise; and therefore I only take the proviso in the 3d clause as a permission to make a deposit of stock instead of a deposit of money, without reference to subscription at all.

336. Taking it according to the letter, did you, when those parties applied to have their names inserted in the warrant, they not being parties to the undertaking, inquire before you acceded to that application, whether the

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directors, according to the very words of the Act of Parliament, had previously invested the money?—No; as I said before, I was not present when the warrant was granted. It was mentioned to me afterwards by Mr. Hodgkin; and, upon looking at the Act, I thought that he had done what was legal and proper under the Act. I do not, nor does Mr. Hodgkin recollect, when it was first brought to my knowledge.

337. Then, as I understand, there was no discussion or inquiry at the time when the application was made; it was settled at once?—The warrant was granted, after consideration, by Mr. Hodgkin; he thought he was justified in granting it, and in fact, he thought he would not have been justified in refusing it. (To Mr. *Mayne*.) Mr. Hodgkin told me of it very shortly after the circumstance happened. I was in town within a few days, and he and I went into the matter very closely, and we came to the conclusion (which conclusion I hold now), that we should not be justified under this Act in refusing to grant warrants to third parties. I can only say that that is the opinion I then formed, and which I have held ever since; and even when Mr. Rickards gave his opinion so decidedly against us, I still maintained the opinion that we were right, and so strongly did I feel it, that I was determined to take the opinion of counsel upon the subject, and I did so.

338. As you thought it necessary to take the opinion of counsel, did you ever communicate the doubts in your own mind on the alteration of the custom which you had adopted to the Speaker, or to any officer of the House?—I did not feel that there was any doubt upon the matter at all, until Mr. Rickards reported upon the Sheffield, Chesterfield, and Staffordshire Railway, and gave an opinion so strongly against us. Up to that time, I had no doubt that we were granting warrants in the proper form. When he gave the opinion against us, I was still of opinion that we were right, and that he was wrong; and so strong was I upon that point that I said, I will take the best counsel's opinion I can upon the subject, to see whether we are right or wrong; and the counsel's opinion was in our favour.

339. Have you at this moment, the least shadow of doubt as to what the object of Parliament was?—I have great doubts; I believe firmly, that when the Act was passed, it did not mean that the deposit should be subscribed money, or that it should be invested in all cases in the names of the directors, or the parties having the management of the undertaking.

340. Will you say what you think the object of Parliament was, in expressly stating that where the directors had invested money, they should be allowed to deposit stock in its place?—I believe that refers to the 4th clause. After depositing the money, they may require the Accountant General to buy stock or Exchequer Bills; this proviso gives them power to deposit Stock or Exchequer Bills, if they have purchased either the one or the other previously, but it does not say that they must do it in their own names.

341. It only gives the power to grant a warrant for the deposit of stock or money which the directors had previously invested?—It does so, no doubt; but I believe it refers to the 4th clause; it allows the directors, if they have previously invested money, to deposit stock instead of money; and the next clause allows the directors, if they have deposited money in the first instance, to turn it into stock. One of my reasons for thinking that it was intended that the warrants might be granted to other parties than directors is, because I believe that it was meant that the bankers or the brokers, or the trustees of the Company, who are very seldom the directors of the Company, might each, or any one of them, if the requisite power were given, be proper persons to be named in the warrant. The trustees of a Company would obviously be proper people to be named in the warrant.

342. These are the words of the proviso in the 3d clause, "Provided always, that in case any such director or person, directors or persons having the management of any such proposed work or undertaking as aforesaid, shall have previously invested in the Three per Centum Consolidated, or the Three per Centum Reduced Bank Annuities, Exchequer Bills, or other Government Securities, the sum or sums of money required by any such Standing Order of either House of Parliament, as aforesaid, to be deposited by the subscribers to any work or undertaking which is to be executed under the authority of an Act of Parliament, it shall be lawful for the person or persons named in such warrant or order, or

or the survivors or survivor of them, to deposit such Exchequer Bills." Would you explain to the Committee what you believe the object of Parliament was in making that proviso, that the directors should, of themselves, have deposited the money?—There is no doubt that when this Act was drawn up, the Subscription Contract was in existence, and parties were supposed to subscribe money up to the 10 per cent., which was then required. But Parliament abolished the Subscription Contract altogether; and when Parliament abolished the Subscription Contract, I suppose they hardly expected that parties would subscribe for the purpose of depositing this money.

343. Do you think it is possible that that should be the case, when allusion is made to the directors having deposited stock?—I agree with Mr. Gibbons, that when the Standing Order requiring the Subscription Contract was repealed, you were obliged to construe this Act with reference to that point, and that in point of fact, then, every reference in this Act to a Subscription Contract, for which there was no longer a necessity, was a dead letter.

344. Do you think that those words being in the Act, and your intention being to construe the Act literally, it was open to you to alter a custom which had existed for 16 years without consultation either with the Speaker or Mr. Massey, or any of the authorities of The House?—I speak with great deference as to the necessity for our consulting any person upon the subject. But, first of all, I must say that this took place at a time when Parliament was not sitting, and when there were no authorities here but ourselves; this Act of Parliament gives power to the clerks of the Private Bill Office to do this or that; it does not say one word about the Speaker or the Clerk of the House of Commons, or any person whom he may direct, but it throws the responsibility, rightly or wrongly, directly upon the clerks of the Private Bill Office. We did not suppose that this matter was a matter of so much importance as it has since been considered to be. If we had known what was to take place, probably we should have consulted a great many people upon the subject, but we had to act at the moment upon the best opinion we could form upon the subject, and we did act so. The parties only came to us probably a few days before the 14th of January, which is the last day for making these deposits.

345. Are you aware that, notwithstanding the opinion of Mr. Welsby, very eminent counsel have expressed opinions to exactly the opposite effect?—No; I have not seen any other opinion, except Mr. Rickards' and Mr. Welsby's.

346. You know that Mr. Rickards' opinion is directly opposite to Mr. Welsby's?—Yes; directly on the opposite side.

347. (To Mr. *Gibbons*.) Will you state what took place between you and Mr. Rickards with regard to this matter?—When this special report upon the Sheffield, Chesterfield, and Staffordshire Railway Bill was made, we had a discussion in the office about the legality of the practice which had commenced in 1862. At that time the matter had entirely escaped my memory as to the change in the practice; in fact, I thought that it was then brought to my mind for the first time; I had forgotten hearing of it previously, although I have remembered it since. But I differed from my colleagues in the construction of the Act, and thought that there had been a departure from the terms of the Act. I went to Mr. Rickards, and stated my view of the case to him.

348. *Chairman*.] When was this?—Immediately after the Report from the Committee on the Sheffield, Chesterfield, and Staffordshire Railway, and Mr. Rickards agreed with me in my view of the case. But subsequently to that, I think two or three days after the subject had been referred to the Standing Order Committee, I went to him a second time, because the first time I was with him I had not given sufficient consideration to the fact of the Standing Order requiring the Subscription Contract, having been repealed; I went to him therefore to modify my opinion as to the illegality of the practice, and to state that I thought that the abolition of the Subscription Contract very much altered my opinion about it, and that if it did not entirely exculpate the office, it at any rate threw very great doubt upon the construction of the Act, because if now we were to enforce the requirement of remitting a warrant to be given only to persons who had subscribed money, we should be enforcing the Subscription Contract which the Standing Order Committee in 1858 deliberately rescinded; it was never intended to go beyond the Standing Order. I

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may observe, that the Act is still of use, although a great part of it, namely all that part relating to Subscription Contract, is, in my opinion, a dead letter. The Act is of use to authorise the granting of a warrant, and to authorise the Accountant General to open an account to receive the deposit.

349. Colonel *Wilson Patten.*] But there is not a word in this clause about the Subscription Contract, the words are these: "In case any such director or person, directors or persons, having the management of any such proposed work," and so on, shall do it?—In the proviso to the third clause you will see these words, "the person or persons named in such warrant."

350. I want to call your attention to this: "Provided always, that in case any such director or person, directors or persons, having the management of any such proposed work or undertaking as aforesaid;" those are very distinct words?—Just so, will you kindly read on.

351. "Shall have previously invested stock"?—It says afterwards, invested the sum or sums of money required.

352. I will read it to you exactly, "shall have previously invested in the Three per Centum Consolidated, or the Three per Centum Reduced Bank Annuities, Exchequer Bills, or other Government securities"?—Just so; then it goes on to say, "the sum or sums of money required by any such Standing Order of either House of Parliament as aforesaid, to be deposited by the subscribers to any work or undertaking." Where is such an Order now? it does not exist.

353. You have stated your conversation with Mr. Rickards; you did entertain considerable doubts the first time whether the office had acted correctly or not?—In the first conversation I said that I thought they had departed from the Act.

354. You thought yourself in the first instance that the office had departed from the Act?—Yes, because I did not sufficiently at the time advert to the abolition of the Subscription Contract from the Standing Orders, but then I went to Mr. Rickards the second time and stated that.

355. The first time you thought you had departed from the Act?—Yes, but I went again to Mr. Rickards, I do not recollect how soon afterwards, and said that I had not formerly sufficiently adverted to the abolition of the Subscription Contract from the Standing Orders.

356. Under such circumstances, you yourself being under the impression that the officer had departed from the Act, do you not think that the correct course to take, when there are such doubts in your mind, is to take the advice of the officers appointed to advise the Speaker on legal questions?—That is why I went to the Speaker's Counsel.

357. You only did that when you saw the Report of the Standing Orders Committee, I believe?—Not the Report of the Standing Orders Committee, of the Sheffield Committee; the former discussion which took place, it might be two years ago, had entirely escaped me, and no further question arose upon it. Mr. Hodgkin mentioned to me that he had done this, and I thought he had done what was right at the time.

358. Is there a shadow of doubt in your own mind as to what the object of Parliament was?—I have no doubt. I think the spirit of the Act was that the warrants should only go to directors, or to persons having the management of the undertaking; but at the time when the Act was passed, the Standing Order requiring Subscription Contracts was in force, and continued in force down to 1858; since that time it has changed.

359. Do you believe that Parliament had for its object in requiring a deposit from parties promoting Bills in Parliament that they should make that deposit to show their *bona fides*, and that they were substantially prepared to carry out the undertaking?—I think so. (Mr. *Mayne.*) I think so also; but I think that object is equally gained by their borrowing the money as by their depositing their own money. I cannot conceive when Parliament repealed the Standing Order requiring the Subscription Contract, that they thought that parties who had almost invariably even before that time borrowed money to make their deposits would then cease to borrow the money and begin to get subscriptions, which they had not done before. The Subscription Contract, as I understand, was abolished because it was found that parties did not subscribe and of course the abolishing it would not make parties subscribe, and therefore

therefore the only way in which they could get money was by borrowing it; it is notorious that for years before the Standing Order which required the Subscription Contract was repealed, the money was borrowed.

360. Have you heard of a transaction in which there has been a private negotiation between the parties resulting in an agreement that they shall give up a Bill and put it in the hands of one individual unless the money is returned by a certain time?—I have heard a great deal about what is called the abuse of the system, that is, the power to withdraw or to go on with the Bills, being placed in the hands of parties other than the Agents or the promoters of the Bills; and I have heard a great deal of those arrangements by which the promoters of a Bill pledge themselves to withdraw the Bill before it comes to the third reading in the Second House unless they can replace the money; but I have been taxing my memory and trying to find out, this morning, and on Saturday afternoon, the number of such cases that have practically occurred, and I do not think there have been two cases in five years in which Bills have been withdrawn at that stage.

361. You agree that it is an abuse?—No, I say if it is an abuse, it is an abuse which has very rarely been brought into operation. I cannot speak positively of the number of times. We could, by going through our books, find out the exact number, but I do not believe that in the last five years two Bills have been withdrawn at that particular stage, namely, before the third reading in the Second House. That is supposed to be the abuse. It is said that power is given to other parties to withdraw the Bills at that stage, and that the time of both Houses of Parliament is unnecessarily wasted in discussing Bills which are afterwards withdrawn.

362. Is not the difference this,—in one case you have given a power to an individual, who may or may not be connected with the Railway Company, to withdraw the Bill; but, in the other case, if the warrant were in the names of the directors that could not have occurred?—It depends upon the arrangements made by the parties who lend the money to the directors. Messrs. Overend and Gurney, or any of those houses who lend money, if they lent money to the directors, would make the same arrangements with the directors, and would depend upon the honour of the directors to withdraw the Bill, just as now they depend upon the honour of the solicitors.

363. Colonel *French*.] You stated your opinion as to what the intention of Parliament was; was that opinion confined entirely to the time, the year 1846, when the Act passed?—I referred to the intention at the time when the Act passed. The title of the Act is certainly an Act to provide "for the Custody of certain Monies paid in pursuance of the Standing Orders of either House of Parliament by Subscribers," and so forth; but then there was a Subscription Contract, as I have said before.

364. There was also a question put to you, why you did not, if there was any doubt in your mind, consult the Speaker upon it. Is it your custom to consult any person when an alteration takes place in the Standing Orders?—I may say this: when Parliament is sitting, if any great change in the practice of our office, was suggested, we should certainly seek advice in many cases. In each particular case we might or might not seek it,—it would depend upon whether we felt ourselves capable of giving a decision upon the question or not. Unfortunately, upon this occasion we thought ourselves capable of forming a decision.

365. Have you any idea that the decision which you came to was one which was not both legal and proper?—I certainly adhere to Mr. Welsby's opinion.

366. Colonel *Wilson Patten*.] That it was legal?—That the construction we put upon the Act is lawful and proper.

367. Colonel *French*.] Is the security for the execution of the work in any way affected by the question whether the money is borrowed or lodged by the directors themselves?—In my opinion not at all; the practical security Parliament requires is, in my opinion, that the money should be impounded for the completion of the line. I am told that it has been suggested (in fact I have seen the evidence), that this deposit should not be required any longer. I am informed, that it is said there is no use in the deposit, because these bonds are never put into execution. Now my opinion is strongly this, that it does not follow, because these bonds are never put into execution, that therefore neces-

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sarily these deposits or the bonds themselves are inoperative. Penalties are very often not exacted, but that is no reason why the penalties are not operative. The penalty for a Member of Parliament voting in his place in Parliament, when he is a contractor for some public work, is so far inoperative, that we never hear of its being enforced; but we know at the same time, that if it did not exist, he might vote, and, practically, he does not do so now. The Under Secretaries of State may be considered an illustration of the same argument. I believe that the fact of these penalties and bonds existing has been a great inducement to parties to finish their lines, or to get half of the capital subscribed, which they are obliged to do. I believe when parties enter into a bond, and know that it hangs *in terrorem* over them, they are never satisfied till that bond is worked out. I, therefore, think that it has been a great inducement to parties to comply with what Parliament requires, and a great obstacle in preventing parties who were not responsible, and could not find the money, from coming to Parliament.

368. Do you issue the warrants in other cases; for instance, for Water Bills?—Yes.

369. I believe only four per cent. is required in those cases?—Only four per cent.

370. That money is not impounded?—No, that money is not impounded.

371. Mr. *Tite*.] Knowing what you now know of the existence of a bargain made by certain parties out of the field of operation, would you suggest that we should let the law continue as it is?—I would certainly insist upon a deposit.

372. You mean a *bonâ fide* deposit?—No; I say I would insist upon a deposit. I myself have no objection to the money being borrowed to make this deposit, because it is, as far as it goes, a security that the parties are respectable and solvent. Capitalists will never lend these immensely large sums, except to solicitors of the highest position and respectability. I am speaking of a certain deposit as against none; any deposit, I say, is better than none, as a security for the completion of the line, and for the *bona fides* of the parties.

373. You would still allow, apparently, the other consequences to follow, that one of these respectable solicitors might make a bargain, of which you know nothing, that he would stop the Bill, or give to some persons the power either of stopping or passing the Bill altogether, after the House of Commons and the House of Lords had decided that they thought it desirable that it should pass?—The power of stopping the Bill must rest with somebody; Parliament does not deny that power to the solicitors or the agents. I do not see any difference, whether it rests with the solicitors or agents for the Bill, or with the person who finds the money for the deposit.

374. Has not Parliament required by its Standing Orders, and by this very Act of Parliament, that there should be a downright *bonâ fide* in the matter, and that people should not be put to expense in opposing Bills which might be merely the speculations of an individual lawyer, who could stop them at any moment he pleased?—If I found that Bills were constantly stopped before the third reading, I should think there had been grave abuses, but I do not find that Bills have been stopped at that stage, therefore I can hardly admit that there have been grave abuses.

375. Perhaps the case has never occurred so largely as during this Session?—Perhaps not.

376. Probably the deposits have never been so large?—I should think they never have been, unless, perhaps, in Sessions 1845 and 1846.

377. You, together with Mr. Gibbons and Mr. Hodgkin, are the three clerks in Parliament, I believe?—We are clerks in the Private Bill Office.

378. Is there any position of seniority; do you act jointly and severally, or severally, or how?—Mr. Gibbons is the principal clerk, Mr. Hodgkin the second clerk, and I am the third clerk.

379. In a case of such grave importance as this appears to be, would it not have been better for all three of you to have met and conversed together on the subject?—Mr. Hodgkin and I were the only two in London.

380. It is your practice, I apprehend, to discuss these questions?—I have talked over this matter with Mr. Hodgkin very frequently.

381. You

381. You have done so, I suppose, since the difficulty has arisen. I mean did you discuss it at the time?—Before this difficulty arose I constantly talked it over with him. I was consulted before the deposits were made this year, by a partner in a leading banking firm in London, who had been asked to lend some money. I went into the whole thing with this gentleman; I said to him, "After all, it is a question who are the solicitors; if the solicitors are respectable people you may safely lend the money; if the solicitors are not respectable people, and you cannot depend upon their word, you should not lend the money."

382. There is no regulation or instruction, by which it is required that Mr. Hodgkin, having had an application made to him to do what in effect amounted to a change in the operation of the law, you should talk it over together?—There is no doubt we should talk of it together. Mr. Hodgkin and I are in the same room; we should naturally talk it over together, and we have done so very often.

383. In this case, apparently, he granted a warrant without having discussed the question?—You must remember that we are not all in attendance when Parliament is not sitting. This application occurred some time in January 1862, and Mr. Hodgkin was then in attendance with a junior clerk; it was then that the application was made to Mr. Hodgkin, and Mr. Hodgkin came to that decision. When I came to town Mr. Hodgkin told me of this, and we discussed it together. I wrote to Sir Denis Le Marchant when this question was mooted; I said, "I hoped the whole blame will not be laid upon Mr. Hodgkin; I am equally responsible, if there is any blame, for I very soon afterwards indorsed Mr. Hodgkin's decision." I felt confident myself that we had done right, and I must say, I adhere to that belief, relying upon Mr. Welsby's opinion. I do not mean to say that we have not doubts.

384. Colonel *Wilson Patten.*] You have doubts, then?—I certainly have doubts. The Act may admit possibly of two constructions; but I have no doubt of this, that, if we are to alter the form of the warrant, the Act ought to be altered. There are several points in the Act which want altering, without reference to this particular subject, in the matter of form. I think, in the first place, that, when the 2nd clause says, if no more than five directors shall apply to one of the Clerks in Parliament, or to one of the clerks in the Private Bill Office, and so on, it ought to say that they should apply in writing, a verbal request would be insufficient. I think a form of requisition and a form of warrant should be both given in the schedule to the Bill. If that had been the case in this Act, there never would have been the chance of any mistake.

385. Will you prepare the form you would propose to be put into the schedule of the Act, and any other alteration that you may think necessary in connexion with the same subject?—Yes. (Mr. *Gibbons.*) I have here a written form of requisition, because we have always required the application to be made in writing, and a written form of warrant. If the Act is amended, as I hope it will be, unless it is repealed, such forms, I think, are very essential.

386. Mr. *Tite.*] The forms which you have with you are those which have been in use?—Yes, they are not specified in the Act, they were adopted by the office.

387. Colonel *French.*] (To Mr. *Mayne.*) Have you ever issued a warrant upon a verbal requisition?—Never, but there should be in the Act of Parliament a form; we adopted a form; we require the solicitor to the Company to state that such and such parties are Directors, or persons having the management of the undertaking. We were not authorised to do that in any way; if a person came in to the office and said, "I am a Director," we were bound to grant a warrant.

388. Colonel *Wilson Patten.*] (To Mr. *Gibbons.*) You stated that you considered that a complete answer to the question that I put to you with regard to the Directors depositing the money that the clause referred in the latter part of the sentence to "the sum or sums of money required by any such Standing Order of either House of Parliament as aforesaid, to be deposited by the subscribers to any work or undertaking which is to be executed under the authority of an Act of Parliament." If you turn to the 60th Standing Order you will see that it requires that eight per-cent. shall be deposited; do you not apprehend that Parliament had for its object that the deposit should be a *bonâ fide* deposit?—A deposit.

389. A *bonâ fide* one?—Certainly; it was to be money.

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390. And if it was a *bonâ fide* one, it must be the property of the promoters of the undertaking, surely?—When they bring the money, you cannot say, "How did you come by that money?" If they come with a warrant to deposit money, you cannot ask, how did you get the money; all you have got to do is to receive the money or the transfer of stock; it is the deposit that the Standing Orders require.

391. Colonel *French*.] (To Mr. *Mayne*.) It is actually the deposit of the undertakers, even though it is borrowed, because it cannot be got out except by those connected with the undertaking?—Yes; it is impounded.

392. *Chairman*.] Was not the Metropolitan Grand Union Railway Bill, this year, withdrawn, under circumstances connected with the deposit?—No, I think not; it was certainly withdrawn very early in the Session, before it came to a second reading, I think.

393. Was not that from the deposit money being called for?—I do not know; but I wish to qualify the observation that I made before. I think that it is very likely that very many Bills are withdrawn before the second reading, or before going into Committee, because the parties find that there will be a difficulty in getting the money. All I meant to say was this, that practically this abuse does not arise, viz.: that parties just before the third reading in the Second House, do not withdraw their Bills.

394. You believe that many Bills are withdrawn before the second reading, if I understand you rightly?—I do not say what the reason for their withdrawal is, but so many Bills are withdrawn before they go into Committee, that I think it is very likely that they may be withdrawn, because there is a difficulty in getting the money, but Parliament has been put to very little trouble with those Bills prior to their withdrawal.

395. Colonel *French*.] Would it be possible to place a restriction upon parties with respect to withdrawing Bills at their own discretion?—I think parties must be allowed at any time, or at all times, to withdraw their Bills if they think proper. An apparently slight alteration made in the Bill may make so great a difference, and so affect the project being remunerative, that they must be allowed to have the opportunity of withdrawing the Bill.

396. *Chairman*.] Was the case drawn up by you or by a Parliamentary agent, to be submitted to Mr. Welsby?—I requested Messrs. Baxter to do it. I had the case submitted to myself afterwards, and I did not think Messrs. Baxter's case, as at first drawn out, quite a fair case, and so I altered the case to make it a fair case. I knew, that unless it was fair, it was worth nothing.

397. Mr. *Massey*.] (To Mr. *Gibbons*.) I believe you have been in communication with the Speaker upon this subject since the question arose?—Yes, he sent for me.

398. Was the opinion of the Speaker in accordance with the view which you took of the statute?—The Speaker thought, that what had been done was a departure from the Act, and one that ought to be noticed, I having been made the subject of a report to the House of Commons, and he sent for me and Mr. Hodgkin.

399. He differed from you as to the construction you put upon the Act?—He did not allow our view of the case. I stated to him that I was not aware of the practice at the time, having at that time forgotten the circumstance. No further question having arisen since 1862, it had entirely escaped my memory, but Mr. Hodgkin mentioned this to me, after he had granted the warrant, or warrants, and I thought he had done right in doing what he did. It was a year or two ago; I do not recollect the exact date.

400. After the intimation of that opinion, and after the discussion which has since taken place upon this subject, are you prepared, in your future practice, to adhere to the opinion of Mr. Welsby, or to read the Act literally?—That of course is a question that has occurred to me; of course we shall be placed in a very difficult position; on the one hand we have Mr. Rickards's opinion, and on the other hand Mr. Welsby's opinion. Before the next period of the year comes round for granting those warrants, if the Act is not repealed or amended, we shall, no doubt, get a more formal authority for our practice; if Mr. Rickards's opinion is to be acted upon, we should get him to draw up a form of requisition and warrant, in place of those which we have been of late acting upon, and receive an order from the Speaker, which would be our guide for the future; and then, we should be held harmless, having the authority from the

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the Speaker, or the Speaker's Counsel, for our practice. But I sincerely hope that the Act will be amended, and the requisition for the warrant and the proper form of warrant, appended to the Act as our guide. (Mr. *Mayne*.) I agree with Mr. Gibbons in hoping that the Act may be amended, as some embarrassment might arise if parties were to come to us knowing that we had taken Mr. Welsby's opinion, and were to bring us the Attorney General's opinion, or Sir Hugh Cairn's opinion, and supposing that either of their opinions coincided with Mr. Welsby, I should say with all respect, that even though a Committee of the House of Commons had decided that we were wrong, we should be hardly justified in going against the opinion of those eminent counsel, in refusing to grant warrants. It would place us in a very unpleasant position at any rate, and, therefore, we hope the Committee will recommend that the Act should be altered.

401-2. Do you consider yourselves as officers of The House bound to act in accordance with the opinion of Counsel, who are not responsible to The House, upon a case submitted by you upon your own authority, or do you consider yourselves bound to act in accordance with the opinion of the Speaker, who is provided with legal advice and under whose authority you will assuredly be indemnified for any act that you do?—We certainly should not, if the Speaker gave us orders, act contrary to those orders; no officer of The House would presume to say that he would do so; but still, looking at the Act, the Act imposes certain duties upon the clerks of the Private Bill Office, and we must act under the Act to the best of our judgment. If the Speaker said, "I must desire you to do this," we should do it.

403. Colonel *French*.] Would you feel yourself justified in letting the Speaker's authority override the Act of Parliament?—The case has been put in such a way in the questions which have been just asked me, that I feel it to be a delicate point.

404. Mr. *Massey*.] I put it for your protection, I wish to know which course you would take?—As an abstract proposition, we must not break the law even if the Speaker should tell us to do so; I do not know whether the parties might have power to go to the Queen's Bench for a mandamus, whilst Parliament was not sitting; I do not know whether the Queen's Bench would grant a mandamus to us, inasmuch as we are not a court, but by this Act we have to administer the law.

405. Colonel *Wilson Patten*.] Supposing after you have taken the opinion of Mr. Welsby another opinion is given to you by the authorised counsellor of the House of Commons, and that should lead you into a court of justice, should you think yourselves entitled to be defended by The House of Commons under those circumstances?—We do not intend to run our heads against a wall; we hope never to be placed in that position. I took Mr. Welsby's opinion because I felt chagrined, I may say, at the Report of the Select Committee on Standing Orders; I felt that their Report was founded upon what I considered a wrong construction of the Act, and that that Report attributed abuses to the construction which we took of the Act, in which I did not concur.

406. I understood that you took that opinion rather to justify yourself for the past than as a guide to your future conduct?—I took it altogether to justify myself for what I had done, and not with any reference to what I should do hereafter, Supposing that this Committee say that the Act is sufficient, and that we must make our own practice in accordance with the views of the Committee. We should do so, and should feel ourselves absolved from all responsibility.

407. Colonel *French*.] It was absolutely necessary for you to justify yourself in consequence of the Report of the Sheffield, Chesterfield, and Staffordshire Railway Committee, was it not?—Yes, I felt that it was necessary; we naturally wished to uphold the character which the Private Bill Office has hitherto maintained, and to justify ourselves in the eyes of the Speaker and the Standing Orders Committee, and all the Members interested in the subject.

408. A difference arising upon the construction of the Act, do you not think that the Committee ought to take the responsibility upon themselves, instead of leaving it to you?—I think the Committee ought to take the responsibility upon themselves of recommending that the Act should be altered, and when the parties who have to administer an Act ask for the Act to be altered, I think that is a very good reason why the Act should be altered.

409. Lord *Hotham*.] In order to avoid running your head against a wall,

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would it not have been better to have consulted the Speaker in the first instance?—Of course, if one could foresee everything that was to happen in the course of years, one would frame ones conduct differently on many occasions. We did not see the change that this would effect, or that it would effect any great change in the practice of making the deposits; all we had to consider was, whether it was in accordance with the Act of Parliament, not whether it was in accordance with the policy of railway contests, or anything of that kind. We came to the conclusion that it was in accordance with the Act of Parliament; if we had seen the importance of it in the future, we should have consulted the Speaker.

410. Do you not think that such a matter as the alteration of the heretofore existing practice deserved a more serious consideration before it was put into operation, inasmuch as the application for such alteration proceeded from the Parliamentary Agent at the instance of Messrs. Baxter, Rose, and Norton, who are known to be so very largely connected with the promotion of Private Bills?—We certainly acted for the best; we were alone, and had to act upon our own responsibility, and rightly or wrongly, we did act upon our own responsibility.

411. It was Mr. Hodgkin who acted, was not it?—Yes; but I entirely accept and endorse Mr. Hodgkin's decision, because I was there a day or two after it happened, and the question was then discussed. If I had differed from Mr. Hodgkin, that course of practice might have been stopped.

412. Even although you thought yourself justified in admitting such an alteration of the existing practice, do you not think it might have been better, notwithstanding that feeling, that you should have communicated it to the Speaker, or to some authorised officer of the House?—Knowing what I know now, I think it would have been better that we should not have altered the practice without consultation with higher authorities, and, knowing what I know now, I think it would have been better when we did make this alteration that we should have reported it; but until this Sheffield, Chesterfield, and Staffordshire case occurred, the matter had not assumed the proportions which it has assumed since.

413. Mr. *Edward Egerton.*] Were you not aware that there had been a change since 1861?—Yes, we authorised the change; we effected it ourselves.

414. Surely Mr. Rickards, the Speaker's Counsel, is the proper person to apply to for advice, and not Mr. Welsby?—I must go over the ground again. Mr. Rickards gave an opinion against the practice of the Private Bill Office, and it was upon his opinion, I believe, that the Standing Orders Committee reported, as I have said, severely impugning the practice of the Private Bill Office.

415. I think, not severely impugning?—Perhaps I may withdraw the word "severely," then.

416. The Committee called the attention of the House to parts of the practice, did they not?—They said there had been a misconstruction of the Act, and upon that I took the opinion of Mr. Welsby. Mr. Rickards had given an opinion against us, and therefore I could not take his opinion.

417. Colonel *French.*] The charge against your body was, "The Committee consider that they constitute an evasion of the *bond fide* character of such undertakings, and that such evasion has been accomplished by means of a misconstruction and misuse of the provisions of the Act of 9th Vict. c. 20?"—Yes, I felt, I must confess, (and the oftener I read over that report, the more I come to that conclusion,) that our practice was severely impugned, not only because it alleged that we had misconstrued the Act, but because all the abuses which have arisen under the present system, are said to have arisen from that misconstruction of the Act, to both of which allegations I venture to demur.

The Right Honourable Lord *Redesdale*, attending by permission of The House of Lords; Examined.

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418. *Chairman.*] IT is scarcely necessary to ask your Lordship whether you are Chairman of Committees in the House of Lords?—Yes.

419. How long have you held that office?—Since 1851.

420. I believe

420. I believe you gave evidence before the Committee on Private Bill legislation of last year?—Yes.

421. Are there any opinions which you gave before that Committee which you wish to alter or modify in any way whatever?—I have not looked over that evidence since I gave it. I do not recollect anything which I should wish specifically to alter, without pledging myself exactly to every opinion which I then gave.

422. Are you aware of the circumstances which have given rise to this Committee?—Yes.

423. Have you read both the report of the Committee on the Sheffield, Chesterfield and Staffordshire Railway Bill and that of the Committee on Standing Orders?—Yes.

424. I suppose your Lordship would not wish to give any legal opinion upon a matter which had been so much the subject of debate as this has been?—I am not a lawyer, and therefore I do not think my opinion would be worth anything.

425. Do you consider that the practice referred to is in accordance with the spirit and intention of the Act and the Standing Orders?—My impression certainly is, that the Act did not contemplate that the money was to be at the disposal of persons who are not connected with the scheme; I say that would be my impression, but as lawyers differ in their opinions upon the subject, I would not give a positive opinion as to what the Act of Parliament requires. I think it is quite unnecessary to give one, because I think that the whole arrangement is at present so bad, and so useless for any good purpose, that it must be altered. Therefore it is not worth while inquiring what the existing state of the law is.

426. I wish only to ask your own opinion as to the objects which were aimed at?—The objects aimed at I take to be these: that some security should be given for the completion of a scheme that was proposed to Parliament, and for the ability of the promoters to complete the scheme. I consider the system of deposit, which is now required, to be utterly inefficient for either the one purpose or the other.

427. I think your Lordship gave some evidence upon that matter to the Committee on Private Bill Legislation?—I believe I gave the opinion that I thought the deposit utterly worthless for any good purpose; in fact, I consider it is an impediment to a railway, instead of a promotion of it; the parties promoting the Bill have to find the money for no useful purpose that I can see.

428. Mr. *Edward Egerton.*] Then your objection goes to the whole system of deposits, does it not?—No; I think there might be a system of deposits that would be extremely valuable.

429. *Chairman.*] Some persons have expressed an opinion that no security at all is required. Are you of that opinion?—No; certainly not. I think that we have to guard against that which has grown up under the present system; that is to say, mere speculative schemes introduced by engineers, contractors, solicitors, and others, who get up schemes for their own advantage, hoping to make some profit out of them. I think that it is a thing we want as much as possible to guard against, particularly in the present state of railway accommodation throughout the country.

430. What system would you suggest in the place of the one that exists at present?—I should suggest a deposit; I think a deposit of the amount which is now required, namely, eight per cent., would be sufficient, but I should suggest that it should be connected with a Subscription Contract, and that no parties should be allowed to subscribe less than a moderate amount to that Subscription Contract, so that the number of names should not be large comparatively, to make up the amount, and that they should all at all events imply something of solvency on the part of the persons subscribing; that the money so subscribed should be the money that is to be deposited; that when deposited, it should be deposited under the conditions that the parties should receive shares equivalent to the amount of the money so subscribed, and that when the time came round for the paying out of the money, the money should be paid to the company, the parties who had subscribed receving shares to the amount of that money. I would also provide that no contractor should be a subscriber, and that the engineer should be a subscriber only to a limited proportion of the sum required, so as to render it necessary that the other

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subscriptions should be those of persons either interested in the locality through which the line passed, or persons willing to advance money upon the scheme as one that they thought likely to be a profitable and desirable investment. I would further add that I would allow that after the Bill had passed, the persons who had made the deposit should be entitled to receive interest upon their money as if it was money advanced upon shares fully paid up; of course, as each call came in upon the shares, that money would no longer be paid interest upon. The money deposited being invested in Stock or Exchequer Bills, or whatever securities might be allowed, the interest so received would of course go to the payment of dividends upon the uncalled capital, so far as it would go, and any other amount that might be required to make up any deficiency below 4 or 4½ or 5 per cent., or whatever it might be thought expedient to make the interest upon this deposited sum, would have to come out of the funds of the Company as at present.

431. Mr. *Brown Westhead.*] Then the deposit would become fully paid-up shares?—The deposit would become fully paid-up shares, and therefore, at an important period, either when half the capital was paid up, or at any other time that might be fixed, there would be at once one-eighth of the capital paid in, which would afford an immense relief in carrying on the scheme. And if the plan I suggest were carried out, by excluding all contractors from the first subscription, you would leave the Company open, after they had got their Bill, to engage with such contractor as would do the work at the best price, instead of being tied down to a contractor to begin with; and you would also have the advantage of having eight per cent. of the money ready to be paid, at a period when it is very important to the contractor to receive money. That would be a great inducement to a contractor to undertake the work, and the fact of there being a subscription to start with, would induce other parties to come in and join the scheme. It might take a year or so before the effect would be fully seen, but I think it would have the effect of restoring in a degree some credit to railway enterprise; at present, I hold that it has no credit at all. I find that persons, however interested locally in a Bill, are very shy of coming forward to give any support to it; they find that all schemes are so entirely speculative, that they have no confidence in them, and decline to take part in them.

432. *Chairman.*] Do you think that it is right that so much time and attention of Members of Parliament should be occupied with schemes which are so entirely speculative?—I think it would be very desirable that it should not be so. I can answer for myself at any rate; at the same time I do not want to destroy speculation altogether. I do not think that would be desirable; I want to give something of a solid character to these schemes; that they should not be entirely speculative.

433. Colonel *French.*] Do not you think, that if contractors were prevented from being subscribers, you would put an end to the present state of the railway market altogether?—I do not say they should not subscribe at all; I say that they should not subscribe to the deposit, that is, to the eight per cent. of the amount; the person taking the contract naturally would subscribe a great deal more than eight per cent. of the amount, but the effect of the present plan is, that the promoters make a bargain with the contractor beforehand upon speculation, and then they are tied to him, of course, in a manner which is injurious to the interests of the concern.

434. Mr. *Edward Egerton.*] They pay so much more for the work in consequence of that?—Of course they necessarily pay so much more for the work; whereas if they were free, when the line was passed, to bid for a contractor, so to speak, they would be more likely to get the work done at a reasonable rate, and they would have the advantage of tempting a contractor, by their having a good sum in hand, to come forward and advance his money.

435. *Chairman.*] If I understand your objection to the present system, it is that it starts the railway under a load of debt and obligation; there is an obligation to particular parties to be allowed to do the work?—Yes, in many instances.

436. You are aware that the question of cost has not been referred to this Committee, though it is very much essentially connected with the subject of the initiation of railways; supposing that costs could be awarded, would that in any way modify the opinion that you have expressed?—I think not in the least.

437. I think

437. I think you gave an opinion, in your evidence before the Committee on Private Bill Legislation, that costs ought to be awarded?—I forget the extent to which I went in my evidence; I think that if any good system of determining costs could be devised, it would be desirable to do it. I think it is important, but extremely difficult, to determine how it shall be done.

438. In the absence of any good system of determining the award of costs, are you of opinion that the guarantees should be strictly observed?—I think a better guarantee is required, and I think that any guarantee that you set up should be observed. I think you would find much less tendency to oppose a line that was got up with a considerable degree of local support, and good monied support, than you do at present, when people do not know what chance there is of the money being found for the completion of the scheme that is proposed to go through their property.

439. Colonel *French*.] With reference to what you have just stated, is it not universally the practice of Committees of the House of Commons to favour local proprietors if they are getting up a line themselves?—If the local proprietors get up a line for themselves, my impression is that it is generally very favourably received by the Committee; but if it is a bad scheme, of course it must take its chance, with others, upon its merits.

440. Mr. *Tite*.] Your Lordship's proposal is to combine both systems, the system of contract with the system of deposit, and, at the same time, to prevent, by your provisions, the old contract system, in which the subscription was entirely made by the contractor, being revived?—Yes.

441. Do you recollect whether before the contract system was put an end to it was not common to have the contract signed by three people only?—It did not signify how many people signed, whether three or thirty, because nothing followed upon it. If you have a subscription contract, and a man signs for 1,000 *l*., and puts down that 1,000 *l*., you have a certainty that that money is available, and you have reason to believe that that man is solid to some extent. If it was found that a number of names were put down, and that the money was found by others than the nominal subscribers, I still do not see any great harm that could arise if you say that the money is not to be got out except for shares. No person will advance money who is not interested in the concern in some way or other, if you put on that restriction.

442. My question went to this: it has been suggested that the subscription contract should be subjected to investigation by an officer of the House, to see the solidity of the parties signing it; but I apprehend, under the old law, it would be perfectly possible to show that a contract contained only three names, and that those might be speculative subscribers?—They might be to a certain extent speculative, but I think, if you shut out the money of contractors from being considered part of the 8 per cent. deposit, supposing that 8 per cent. was all subscribed by one person, that would be a great encouragement to others to come into the concern. If you find that the 8 per cent. is put down by a person who has got the money ready to put in, with the understanding that he will take it out in shares, if you keep the money which is paid down available for the purposes of the railway only, you at once get rid of all that is objectionable in the present system of deposits.

443. It would not then be necessary to inquire into the character of the parties who subscribe, seeing that they subscribe *bonâ fide* money?—I think probably that would be found sufficient. It is very difficult to say, when parties desire to favour jobbing, that some evasion might not be attempted, but I think it would be so extremely difficult that it would not be likely to be attempted; and if it were, some remedy would very easily be found.

444. *Chairman*.] Would you wish to preclude the Committees of either House, at any stage of their proceedings, from making any financial investigation into the solvency of the Company?—No; but I do not see what investigation they would be very much called upon to make. If you only require the Company to have subscribed a certain sum to come before Parliament, I do not see how you will go further and ask who else will subscribe: you may, if you like, make further inquiry, but I do not know that it would be advantageous to do it, unless you saw that the money came only from one particular source; I would not preclude the Committee from entering into any inquiry that they may think necessary, in order to satisfy themselves of the *bonâ fide* character of the scheme. All I think is that a subscription contract, with a deposit of the

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character I have described, would in most instances render such an inquiry unnecessary, and that it would be a great support to any scheme, and lead both the Committee and the public generally to think it was a substantial measure.

445. Colonel *French.*] That would add very considerably to the expense by opening a new door of inquiry, would it not?—I think it would diminish the expense, as far as any Parliamentary inquiry was concerned.

446. How will it do that?—Because I do not think that inquiry in 99 cases out of 100 would be thought by anybody to be necessary.

447. If the parties had fulfilled all the obligations of the Standing Orders, another inquiry into the solvency of other people would be an additional burden upon them, would it not?—I think my former answer must have been misunderstood. I say I would not preclude the Committee from entering into any inquiry which they may think necessary to satisfy themselves of the *bonâ fide* character of the company, but my belief is that with such a subscription contract and deposit as I suggest, such an inquiry would not (in 999 cases out of 1000 I may almost say) be necessary.

448. Mr. *Massey.*] If I understand your Lordship rightly, you propose that the deposit, instead of being caution-money, should be in fact a first instalment of the capital?—Yes.

449. And that that should be irremovable in any circumstances?—Irremovable up to such a time as Parliament may think fit to fix for it to be paid to the Company for carrying on their works, and then go as fully paid-up shares, the parties who subscribed it receiving only shares in return.

450. At a certain stage, say when half the capital was paid up, this deposit would become a portion of the capital, and be issued to the subscribers in the shape of shares?—Yes.

451. You propose that no preliminary inquiry should be made with respect to persons who subscribe to the contract; you think that the fact of their depositing money would be a sufficient criterion of their solvency?—I think, in general, it would be a sufficient proof of their solvency. I could, however, suppose a case in which it might turn out that an engineer, a contractor, or anybody else indirectly found the money to make the whole deposit, and put down a certain number of names of persons not really depositors, those persons subscribing under an engagement to give the shares back to him; under any circumstances they could not do more than engage that he should have the shares when the money was paid out. I should say, in a case of that sort, that if it was brought before the notice of the Committee, they might inquire to some extent into the matter, to see whether that was the character of the subscription; and if they found that it was the subscription of one person, with the object of getting the concern into his own hands, and testing his speculative chance of getting something afterwards, they might come to the same determination as they would now upon finding the same thing done for the deposit.

452. You implied in your former answer that it would be worth the while of the contractor to find the 8 per cent. for the deposit. It must have occurred to you that the first suggestion for the evasion of this regulation would be that the contractor should set up men of straw, and, behind their backs, find the money which they nominally subscribed. To guard against that, what would you say to the suggestion which has been made, that a preliminary inquiry into the solvency of the subscribers and their substantial character should take place before an officer of the House; the inquiry being analogous to that which takes place before the Examiners for Standing Orders?—I see some difficulty in examining into the solvency of parties at any time, and particularly when no specific charge is brought against the subscription, as being for the purpose of defeating the intentions of the Standing Orders. You will observe that one of the provisions of the order or the Act I have suggested is, that no contractor is to be a subscriber, and therefore if it was found in any way that a contractor was a subscriber, I should strike out his subscription, and defeat the concern altogether. That ought to be a most decided objection, but I think it ought to be an objection brought before the Committee upon petition, or before the Standing Orders Committee upon a special petition, or before an officer, if you please, upon a special petition, rather than that the inquiry should be an absolute requirement; because I think it would put the

parties

parties to an additional expense, and would involve what might be an unpleasant investigation without any purpose, since I imagine that in most instances the subscriptions would be *bonâ fide.*

453. If you found that the *bonâ fide* character of the subscribers was not impeached by a petition, you would take the money as if it was theirs?—Yes; I should be disposed to do so.

454. In fact, I suppose it would be very difficult to follow it any further?—It would be very difficult to follow it, unless there was a real intention of defrauding.

455. Colonel *French.*] Would you advise that the power which now exists of getting the deposit out of the Accountant General's Office upon bonds of double the amount being given should be continued?—Certainly not; I think that is a very bad system. I would not allow the money to go out, except for the purposes of making the railway, and I would not allow it to go out for anything, except paid-up shares.

456. *Chairman.*] Suppose the Bill were thrown out?—Then the money would be responsible for the Parliamentary expenses, and be paid back to the parties subscribing, according to their respective shares, subject to that reduction.

457. Colonel *French.*] It is, in fact, the power of getting the money out on bond that renders the deposit a nullity, is it not?—I think in a great degree it renders the deposit a nullity; I think there was a mistake made in reference to the deposit altogether, from its not being connected with the purpose of the railway. If you do not require that the deposit should be absolutely money that belongs to the railway, to be used for the construction of the railway, I do not think that you get anything by requiring the deposit; in fact, at present, it is only an expense to the Company.

458. Mr. *Massey.*] Would that system of deposit which you recommend be confined to new companies, or would it be equally applicable to existing companies?—In some cases I should wish that it should apply, certainly, to existing companies. I think there is great abuse in companies with very small capitals coming forward for enormous schemes. They being fully-launched companies, with their lines at work, enter into engagements to pay the 50 *l.* a day penalty, many of them not having an income that would enable them to pay it for a week supposing it was enforced. It is absurd for a company that has itself a capital of only 30,000 *l.*, or something like that amount, launching a scheme that requires a capital of 600,000 *l.*, and taking advantge of being an existing company, and therefore having the benefit of only being under a penalty which they could never pay in case of non-completion. I think that certainly, in all those cases, it is absolutely indispensable that there should be a deposit just as if it were a new scheme altogether; because, practically, it is a new scheme altogether. I think, generally speaking, in more instances even than that, it would be desirable that there should be a deposit.

459. If they had a surplus revenue, for it is upon a surplus revenue alone that they are authorised to make a new work, there would be no difficulty?—They are not allowed, by Act of Parliament, to expend their capital upon new works. By a clause in the Act of Parliament, in accordance with the Standing Orders, they are not allowed to make any deposit out of their capital, and to that extent I think some license ought to be allowed, because I think it is most desirable that great companies should make their own branches, instead of there being those separate schemes got up by little companies for little lines, to be ultimately sold to, or absorbed, or otherwise dealt with by the great companies. It would be more desirable, as a general rule, that the great companies should bring in their own Bills for their own branches, and anything that facilitated that operation by all large solvent companies I think would be desirable.

460. Mr. *Edward Egerton.*] Do you see any difficulty in a larger company making a deposit out of its surplus money with the consent of the shareholders at a general meeting?—I think the present arrangement of a penalty if they have not completed the scheme, is sufficient, but I think that a company possessing a capital of 30,000 *l.* would not be in a position to undertake a new scheme requiring a capital of 600,000 *l.*

461. I ask whether you do not think it desirable to relax the law, and allow a company to make a deposit out of its surplus money?—I do not see the

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necessity for that, because I think the other provision is quite as good. The funds which they may have available may be surplus funds for a time, but I should hope they would require them ultimately (or they never ought to have been granted to them), for some purposes connected with the concern before the end of the two or three years that would elapse before they could get them out of the deposit. Therefore, I think, with regard to existing solvent companies (you may test them as you please), the provision you have is as good a provision as that of the deposit. With regard to companies not paying any dividend whatever upon their ordinary capital, certainly you might take that as one case when the deposit should be required, and when companies are launching into schemes with capitals larger than their own, they ought to be required to make deposits.

462. Colonel *French.*] You know that the penalties have never been exacted, do you not?—I know that they have never been exacted, and, I think, that it is a great misfortune that they never have. At the same time, I think it is true, that the penalties have not, in so many instances as may be supposed, become due, or been incurred.

463. Generally speaking, it is the custom for companies, if they want additional time, to come to Parliament for it, is it not?—They come to Parliament for the additional time, but they never get it from me, so far as the penalty is concerned. The whole fault of the non-enforcement of the penalty rests with the Treasury, not with Parliament.

464. *Chairman.*] Fully admitting the truth of all you say, with regard to the distinction between large companies which can pay a penalty of 50*l.* a-day, and smaller companies which cannot, would not there be some difficulty in drawing the line beforehand?—I think, probably, if you were to say companies that were not paying a dividend upon their ordinary share-capital should make the deposit, that would be something towards it, and you might also require it in all cases where a company is undertaking a scheme with a capital larger than its own, because then I consider it is practically a new scheme; the company does not undertake it; it must be something greater than the company that undertakes such a scheme.

465. Mr. *Massey.*] You would consider the subscription of 8 per cent. sufficient to launch a scheme in Parliament, would you not?—I should be glad if it was larger, but I do not want to throw any unnecessary impediment in the way of schemes coming forward. I think if you have a real *bonâ fide* subscription of 8 per cent., you will be able to do all that is needful. If that is not found sufficient you must take means to make it a *bonâ fide* subscription, either by increasing the amount or otherwise.

466. You are aware that the 8 per cent. was calculated upon a subscription of two-thirds or three-quarters, or some proportion of the capital; under the subscription contract it was 10 per cent. upon the whole estimated capital, which was considered equivalent to 8 per cent. upon the proportion of the capital required to be subscribed?—I think the 8 per cent. is upon the estimate of the works.

467. As no other pecuniary security is required under your recommendation than the subscription (I will not call it a deposit because it really is a subscription) of an instalment of the capital, would you say that 10 per cent. would be too much to require?—I do not say that it would be too much, but I feel that what I propose would be rather a restriction; and it would be intended to be a restriction, to some extent, upon speculative railway enterprise. Certainly, in the first instance, I should not desire to see it put in such a way as at all to press too heavily upon really *bonâ fide* schemes. There are many cases where it is very difficult, particularly in the first instance, on account of the abuses which have arisen, and the discredit into which railway enterprise has fallen, to get the amount of eight per cent. subscribed; of course, if you made it 10 per cent., it would be still more difficult to obtain the subscription. I should rather try the system upon the amount of the present deposit.

468. Mr. *Crawford.*] Would you allow a person who had been a subscriber to the amount deposited, as you describe, to transfer his interest in it?—His interest is only in shares; he would be allowed to transfer his interest to somebody else, who would receive the shares when the money came to be paid out and issued in the shape of shares.

469. Mr.

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469. Mr. *Massey.*] At what stage would you allow that transaction to take place, because a man might subscribe, and transfer his share immediately?—If there was any engagement made beforehand for him to transfer his shares in that way, then it might, perhaps, be a fraudulent transaction; that might be some arrangement with the contractor; but, otherwise, I do not see that any difficulty arises. I do not think it very much matters who the money is paid in by, unless it is, as I say, in order to cover a contractor's scheme.

470. You would require money always to be paid, and not stock?—Money should be paid; but it might be invested in some security, because it would be desirable that the Company should receive interest, which should be available to pay the interest upon the portion of uncalled-up capital.

471. Colonel *French.*] If a person sold out shares in that way, it would not affect the deposit?—I do not see how it could affect the deposit.

472. Mr. *Tite.*] In the case of the Limited Liability companies, a man's responsibility lasts for a year after he has parted with his share; do you think it would be desirable to make a continuing liability of the same kind in this case?—In this case it is a fully paid-up share, therefore there is no liability beyond. If you allowed the deposit to go for a payment of only half a share, then a liability would exist, but I propose that the money should be taken out solely in the form of paid-up shares; in that case there is no liability left for a man to incur.

473. Mr. *Brown Westhead.*] There would be no advantage in selling to men of straw, which would be the case if it were a deposit of eight per cent. of the subscription, upon which 92 per cent. remain to be paid?—The only thing a person would get by buying them, supposing he bought them at a depreciation, would be that for a certain time, upon the portion which represented money that had not been called up upon the shares, he would receive four, four-and-a-half, or five per cent. interest as might be agreed upon. If a person choose to sell his interest in the money deposited, I do not see why he should be deprived of the opportunity of doing so, since the company would have the money, and the scheme would be secure to that extent.

474. Mr. *Tite.*] With regard to the eight per cent., Mr. Bidder says, in his evidence before the Private Bill Legislation Committee, "Parliament has settled the amount at eight per cent; I think that eight per cent. is a very effectual protection." Is that your Lordship's opinion?—I think eight per cent. would be an effectual protection; if it were not found to be so, let it be increased, but I do not wish to throw any undue impediment in the way of *bonâ fide* schemes, by requiring too much from them to start with.

Veneris, 27° die Maii 1864.

MEMBERS PRESENT:

Mr. Crawford.	Mr. Massey.
Mr. Edward Egerton.	Colonel Wilson Patten.
Mr. Sotheron Estcourt.	Mr. Scourfield.
Colonel French.	Mr. Tite.
Lord Hotham.	Mr. Westhead.

JOHN HENRY SCOURFIELD, Esq., IN THE CHAIR.

George Pritt, Esq., called in; and Examined.

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475. *Chairman.*] You are a Parliamentary Agent?—I am.

476. I think you were not examined before the Select Committee on Private Bill Legislation?—Not last year; the year before that I was examined before a Select Committee on the subject.

477. Before what Committee were you examined the year before last?—It was a Committee on Private Business; I do not remember the name.

478. I suppose you are aware of the reason that has caused this Committee to be appointed?—I understand that it arises out of a case which came before the Committee on the Sheffield, Chesterfield, and Staffordshire Railway Bill, with reference to the deposit paid under the Standing Orders of 8 per cent. upon three-fourths of the estimate in the case of Railway Bills.

479. How long have you been a Parliamentary Agent?—My first session was that of 1831.

480. During the course of your experience you have been aware of a change of practice with regard to the issuing of warrants for these deposits, have you not?—I have.

481. When did that change in the form of the warrant take place?—So far as I remember, the first time that I was aware of any warrant having been granted on the requisition of A, B, and C, that E and F should pay in the money, was in 1860. I think it was in 1861 that I was desired, for the first time, to prepare a warrant in that form; and knowing that it was not consistent with the practice, and having some doubt whether it was consistent with the Act of Parliament, I made some objection, and I was then told that in the preceding year warrants in that form had been frequently granted: of course my difficulty was then removed, and I prepared the warrant accordingly.

482. When you were requested to apply for a warrant in a different form to what you had been accustomed to, it struck you that it was contrary, not only to practice, but you had some doubts as to the legality of it?—I had some doubts as to the legality of it, but I did not consider the question as to its legality; because when I found that the practice had obtained in the previous session, I thought it was sufficient to justify me in getting the warrant in such a shape as my clients desired to have it, and the Private Bill Office were willing to grant it.

483. Are you aware of anything like a consultation having been held on the part of the Parliamentary Agents upon this subject?—Not at all.

484. They merely fell into the groove?—Yes, exactly.

485. Colonel *French.*] The difference was merely the substituting the names of other parties to make the deposit instead of what had formerly been the practice, namely, putting in the names of parties connected with the Railways, the Directors and such persons?—That was so. What the Honourable

able Chairman alludes to as the change of practice was this: prior to the change the requisition to the Private Bill Office had been from three or four of the Directors, praying a warrant to be granted directing them to make the deposit in the Court of Chancery. The form of the warrant was subsequently altered, and the three parties, being Directors or parties connected with the undertaking, obtained a warrant directing two ot her persons (not being either of themselves) to pay in the money or to make the deposit in the Court of Chancery.

486. Are you aware that any inconvenience, either public or private, has taken place from the substitution of the names of other parties for those of the Directors according to this new practice?—Personally, I cannot say that I am aware of any inconvenience that has resulted from it.

487. *Chairman.*] Do you think that the practice that has recently prevailed, of issuing warrants to third parties, provides the same amount of security for the *bonâ fide* nature of the undertaking that the former system did?—I think that that depends upon what the object of the Standing Order itself was. If the object of the Standing Order was, as I apprehend it was in its original inception, to secure the completion of the undertaking after the Act had passed and had got the Royal Assent, it strikes me that it is perfectly immaterial whether the money is paid in in the names of parties who are themselves the promoters of the Bill, or in the names of other parties; because the money once being in the Court of Chancery, there it must remain until the conditions of the Act have been complied with. Until either half the capital has been expended, a bond given, or the railway completed and opened for the public use, the money is in the hands of the Accountant General, and cannot be withdrawn; whether it belongs to the promoters themselves, or to some parties who have lent it to the promoters, there it must remain until the condition has been fulfilled; therefore, so far as regards what I understand to be the object of the Standing Order, I think there is no difference in the security, whether the deposit be the proper monies of the parties applying for the Bill, or whether it be monies procured by them from some other source. Of course another question arises, which I do not suppose was in the contemplation of Parliament at the time when the Standing Order was made; and that is, whether or not it is fit and proper that parties not being the promoters of the Bill should, by being the parties advancing the money, have a right to control the progress of the Bill, after a Committee of one or both Houses of Parliament have sat upon it and have passed it.

488. Assuming that Parliament intended that the promoters of a Bill should be connected with the progress of the Bill throughout all its stages, would you not be of opinion that that object was defeated by the warrants being issued to third parties?—No doubt that object would, to a certain extent, be defeated, if that were the object of Parliament in making the Standing Order.

489. Colonel *French.*] How would the object be defeated?—It would be defeated in this way: I apprehend that when the promoters of a Bill are enabled to introduce their Bill solely upon the credit of monies that they have procured to be advanced to them, not being their own monies, and therefore not being monies over which they themselves have the control, if they have borrowed the money upon the understanding that if some arrangement has not been made to secure the return of it to the lenders, prior to the passing of the Act, they, at the instance of the lenders, will withdraw the Bill, then I think they are dissevered from the conduct of the Bill to an extent which was not contemplated by Parliament at any time, not under that particular Standing Order at any rate; for I should doubt, if I might venture to express an opinion upon it, whether that point was in the minds of Parliament at the time when the order was made.

490. Whether the money is borrowed, or whether it is the money of the Directors themselves, when once lodged, is it not equally placed under the control solely of the Court of Chancery, or, rather, of the Accountant General?—Yes, no doubt. As I said before, it does not occur to me that there is any difference whatever, if the Bill passes. The object of the Standing Order, as I have always read it is, that the *bona fides* of the undertakers in carrying out their scheme, shall be tested by their being liable to the forfeiture of a sum amounting to eight per cent. upon three-fourths of the estimate, in the event of their not carrying out the undertaking when Parliament has passed the Act for it. In that case it does not appear to me to matter at all whether the money

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deposited is money advanced by the parties themselves, out of their own pockets, or money which they have borrowed.

491. Then the only objection which you see to the present system is in the event of the Bill not passing?—Quite so.

492. You state that parties may have the power of withdrawing the Bill before the third reading; could you meet that evil in any way; would it be possible to take away from the promoters of an undertaking the power, during the progress of the measure, of withdrawing it, if they saw the necessity for doing so?—No, I apprehend not. Hitherto Parliament has left it to the promoters of a Bill to take their Bill to its last stage, prior to receiving the Royal Assent, or not, as they may think fit. The only question would be, whether or not parties having themselves the exclusive control over their undertaking, would be more or less likely to stop the progress of the Bill at the last stage than persons who had advanced the money, not being themselves interested in the undertaking, would be, if they had not sufficient security for the repayment of the money they had advanced. There is no doubt that there is what may be called a foreign element introduced by giving to a person, not connected with the undertaking, the power of saying, this Bill shall not proceed.

493. Has there been any instance in your recollection of a Bill being withdrawn at the last stage in the second House of Parliament?—None; nor, I may say, do I remember any case in which I have been aware of the terms on which the money has been raised, the source from which it has been produced, or the conditions upon which it has been lent. We have kept ourselves purposely distinct from all connexion whatever with the deposit moneys paid into the Court of Chancery.

494. Colonel *Wilson Patten.*] You, I think, have considerable standing as a Parliamentary agent; you recollect the circumstances under which both the systems of Subscription Contracts and of Deposits originated in the House of Commons, do you not?—I think I do; at any rate, if you will give me a very little leading in your questions, it will probably come back to my mind.

495. Was either the one or the other system originated solely with the object of securing the carrying out of a work that was brought before Parliament?—Clearly, I believe, that was the whole object; that is my impression.

496. Do you remember who was the Member who brought it forward; it was Mr. Warburton, the Member for Kendal, was it not?—Yes, I remember it now.

497. Do you recollect the circumstances under which he brought it forward?—No, I do not.

498. You do not recollect that it was in the great year of bubble schemes, when there was a number of speculative schemes brought forward by speculators without any substantial grounds which they could show for their credit, and that this was one of the means taken by Parliament to test their credit?—I have got a recollection now coming back of the circumstances, but not a very minute one; I remember now Mr. Warburton's name in connexion with the change. I could give the exact time when the deposit was required.

499. I think at that time Mr. Warburton was Member for Kendal; at another time he was Member for Bridport?—I think the first time a deposit at the Bank of England was required was by an Order of July 1837.

500. Was it not required in consequence of the number of parties who had no status whatever in the country, who introduced Bills without the remotest prospect of being able to subscribe to the shares for those Bills?—I cannot charge my memory with it distinctly, but I think you are right; at the moment it does not come back sufficiently to my mind for me to answer your question in the affirmative, but I think it was so.

501. It is an essential thing to get evidence as to the origin of it; it had nothing whatever to do with insuring the certainty of the work being carried out, had it?—The Subscription Contract certainly, I think, had no reference whatever to the completion of the undertaking.

502. Both the Subscription Contract and the Deposit were started, first of all, by Mr. Warburton, and afterwards by Mr. Moffatt, simply to keep parties out of Parliament who were coming merely with speculations, and had no prospect of being able to carry their works into execution?—I think I should have the means, with a little time of referring back to it, and ascertaining the exact particulars.

503. Assuming

503. Assuming that the object of Parliament was to prevent mere speculators coming forward and introducing Bills into Parliament when they had no prospect of fulfilling their obligations, is there not a very great difference between the case of two or three individuals borrowing a large sum of money for a certain period, say for six months, on their own credit, with an undertaking that they will return it at the end of six months, and the case of parties who come *bonâ fide* forward with a sum which is their own property, equivalent to eight per cent upon the whole scheme, and deposit it as a security to Parliament? I think that depends a good deal, of course, upon the terms upon which the money has been borrowed, the security which has been given for the money, and the control which may have been given to the lenders over the progress of the Bill. I cannot see any great difference between half a dozen, or a dozen, or fifty gentlemen, if you please, pledging their own credit for a sum of money that will be deposited on the one hand, and on the other hand their drawing a cheque themselves for the sum of money; in either case it is their money. The money, when deposited, is tied up, and the parties must satisfy the lender, not by paying back the money he had advanced, but by paying to him money in substitution for the money he had advanced.

504. Supposing on the one hand that Mr. A. goes to a banker, and borrows 8,000 *l.*, signing to that banker an agreement that, at the end of six months, he will repay him that 8,000 *l.*, and entering into an arrangement that shall ensure his being able to repay him that 8,000 *l.*; and supposing that Mr. B., on the other hand, is obliged to produce 8,000 *l.* of his own, and place it in the Court of Chancery as a deposit, and as a security to Parliament, surely there is a great difference between those two actions?—I confess I do not quite see it; in the one case, the man has the money lying at his own banker's, and he prefers to let it go into the Court of Chancery, and remain there rather than incur the responsibility of borrowing money, and paying a high rate of interest upon it. In the one case, it is his credit that he stakes; in the other, it his money that he stakes. But in either case he is responsible for the 8,000 *l.*; in the one case his own money is there; in the other a borrowed sum of 8,000 *l.* is there, but it cannot be drawn out again, and he must procure, at the end of six months, 8,000*l.* to repay the lender: it is only postponing his payment of his own 8,000 *l.* for the period during which he has borrowed the money, that is six months.

505. He enters merely into a contract for a temporary loan of money, say 8,000 *l.*, from a banker, with an obligation to return it; and he, being an honourable man, the banker enters into that contract with him, but that is no security for carrying out the work?—If the Act passes, the security is the same as if it were his own money, because the money is in the Court of Chancery, and cannot be drawn out of that court.

506. Supposing a case in which Members of Parliament have sat for six months investigating a scheme, when the whole time of Parliament and all the expense of the parties opposing it has been consumed, what security has Parliament that that money will not fail to be returned to that banker, and the whole thing go to the ground?—I quite see the force of that, but I venture to say that Parliament also has no security in the other case, when a man's own money has been paid into the court, that he will allow the Bill to receive the Royal Assent, and will not abandon the Bill so that he may withdraw his 8,000 *l.*

507. Is not there this difference, that there is a security to the extent of 8,000 *l.*, which is the property of the individual, in the one case, and 8,000 *l.* which is not the property of the individual in the other?—There is no difference if the Act gets the Royal Assent.

508. Mr. *Sotheron Estcourt.*] Do you conceive that it is in any way a right, or even a possible thing, for Parliament to ascertain in what manner A. or B. have raised the 8,000 *l.* which they require in order to make a deposit?—No, I do not think they ought to do so; supposing that Parliament, in the case of a single payment, were to exercise the power of inquiring whence the money for that payment came, and supposing that a return was made to the system of the contract deed, Committees then should, in like manner, be clothed with the power to ascertain how each man who had signed the contract deed had made his deposit; if that were so, that would lengthen the inquiry very much, and would be converting a Committee of the House of Commons, as somebody said, very much into an insolvent debtors' court, to inquire into the circumstances of each

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each individual subscriber, and the means whence he had the power of making his individual subscription.

509. Assuming as a hypothesis that the money, whether it belongs to the individual, or is raised by a loan upon his credit, is to be applied in identically the same way, and to be subject to the same conditions when made use of as a deposit for the Bill; do you think it is either possible, or, if possible, that it would be wise in Parliament to investigate in what manner that money was raised?—Possible, no doubt, it would be, because Parliament might call all the parties before the Committee, and inquire into the matter by evidence obtained from them. As to the policy of doing it, that depends upon what the object of Parliament is in requiring the deposit, whether it be to test the *bonâ fide* origin of the scheme, or whether, as I ventured to assume from the first (although the Honourable Member for Lancashire suggests that I am wrong there), it was a security for the work being completed after the Act had passed. In the latter case, I think the policy of inquiring into it is very questionable indeed; because, as I say, the security is there; the money is in the Court of Chancery, and cannot be taken out.

510. Assuming the first of those two possible objects to be the true one, namely, that Parliament should have some mode of gauging the solvency or character of the original promoters, do you think that, in reality, it makes any difference whether the money actually belongs to the party, or whether he has sufficient credit to be able to raise it?—I do not.

511. Then, upon the whole, if the object of this deposit was to enable Parliament to have some gauge of the character and solvency of the parties, you think, as I understand from your last answer, that it is a matter of indifference whether the money belongs to the parties, or whether they raise it upon their credit?—I think so.

512. Mr. *Tite.*] I apprehend that, having had great experience in Parliament, it must be your general impression that Parliament seeks evidence of *bona fides* in any speculation, in order to see that the companies that are got up shall not be bubble companies?—No doubt.

513. Therefore, the element which you have eliminated in your former answers must come in, and would come in to the aid of any legislation on the subject which had for its object the securing the *bona fides* of the undertakings presented to Parliament?—With great submission, I doubt whether it would be so. Supposing Parliament inquired into the source whence the money was derived which had been deposited, it would be a question then simply of the credit in the one case of the person who had borrowed the money, whether it was sufficiently good to induce a banker or a capitalist to advance him the money upon any security that he had to give; and, in the other case, the object would be to show him to be a man who had got the money at his banker's ready to deposit at once; or it might be half a dozen gentlemen in that position.

514. By the former interpretation of that Act of Parliament, I gather that a certain number of gentlemen, calling themselves directors, were called upon to find the money and deposit it; whether they borrowed it, or had it of their own, is not in issue; that system has been changed by the interpretation of the law, which allows persons, either speculative solicitors or engineers, or others, to proceed with a Bill; is that the case?—Yes.

515. Then it opens, of course, to mere speculation and the evils which follow from it: a projected railway may be either a rival to an existing line, which has some trouble to maintain a reasonable dividend, or it may be a rival to no line, but may cross my land to my great inconvenience, and there is no security that after, in the first and second inquiries, great sums of money have been spent, the whole scheme may not be withdrawn at the last stage, because it does not answer the purpose of the speculators. Did not Parliament contemplate ascertaining the *bonâ fide* character of a new scheme at first, so that neither a company on the one hand, nor an individual gentleman on the other, should be put to great expense and inconvenience without some security of *bona fides* in the original transaction?—I think that that matter would work itself out thus: I will put a case to illustrate it—supposing the case of one or several individuals who, themselves, out of their own proper monies, find the sum for the deposit, pay it into the Bank of England, and proceed with their Bill, and carry it through Committees of both Houses of Parliament; they have still the control over it at that time. I am assuming that the only security for the *bona fides* has been the deposit of money, and if they have reason to doubt

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at the time that the Bill is passing through its last stage, before being submitted for the Royal Assent, whether the scheme will turn out a beneficial one or not, knowing, if the Bill passes, that the money will be locked up, and that they will never be able to withdraw it from the Court of Chancery, and that if the scheme is not carried out they will suffer the loss of the eight per cent, which would sometimes amount to a large sum, they will withdraw their Bill. No doubt the question of several Members of Committees in both Houses having sat for a long time inquiring into a matter which never came to anything, would still arise. I can now suppose a case, if necessary, to illustrate the other case, when the parties have borrowed the money instead of having deposited their own money.

516. The point to which I wish to draw your attention is, not where the money comes from, but my question is, was not there a security in having the names of directors instead of having the names of mere speculators?—I do not think so; I speak from what I have heard, not from my own knowledge, because, as I say, I have had no dealings with these matters; but I believe that in the cases in which the money was paid in, in the names of three directors, it was no more the proper monies of the directors themselves than when it was paid in by two persons not connected with them: in either case there was a security given to the lender that the money should be forthcoming before the Act received the Royal Assent.

517. Do you see any means of securing *bona fides*, and avoiding mere speculation?—I think that is a very difficult question.

518. *Chairman.*] Do you see any distinction between borrowing money and hiring stock?—No, I think not; the borrower or the hirer is responsible, and must pledge his own credit for the repayment of the money so advanced in either case; both are tied up in the Court of Chancery upon the passing of the Act, and cannot be paid out of the Court of Chancery.

519. Do you think, upon the whole, that the recent practice, which is not, however, universal, of parties unconnected with the Bill lending stock, does not give additional facility to plans for making railroads which depend upon other railroads buying them up; in fact, bills for sale, if I may use the expression?—No doubt, any thing that will facilitate the compliance with the Standing Orders of Parliament, whether with respect to deposit or otherwise, is an encouragement to schemes being introduced of all characters, both speculative and otherwise. The greater facility you give for the raising of the money for the deposit, the greater the facility you give for the introduction of Bills.

520. Colonel *French.*] The facility for transferring stock merely lessens the cost, because, if they were obliged to sell out that stock to be replaced again, there would always be the element of the rise or fall of the stock itself to be taken into account?—No doubt; and the Act which regulates the deposits enables the court, upon the application of the parties, to invest the money in the purchase of stock after the money has been deposited.

521. Colonel *Wilson Patten.*] Am I correct in collecting from your answers to the questions which have been put to you, that you are of opinion that the deposit system is totally useless?—I think the deposit system, as a preliminary to the introduction of the Bill, is not of any very great importance. I believe the deposit system is a security that people will not bring in Bills and pass them unless they intend to execute the works. I am not aware that there has been any case yet, although of course there may have, and I may not have heard of it, in which the money deposited has been forfeited, or in which the Treasury have proceeded upon any bond which has been forfeited by the non-execution of works. If it be so, that there are no such cases, or but few, then I think this result would follow, that the requirement of the deposit in the Bank of England has had the effect of preventing Bills from being passed, the promoters of which did not intend to carry them into execution when they had got their Act.

522. Mr. *Tite.*] Do you not think that bubble schemes are a great inconvenience to the public?—I think that if we knew of any means by which bubble schemes could be put down, it would be very desirable to put them down, not only for Parliament, but for existing interests.

523. In your experience have there not been many such bubble schemes introduced into Parliament in the shape of Railway or Canal Bills?—It is difficult to know what a bubble scheme is; I believe that there have been schemes originated in which, upon their origination, the prospects of their being

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carried out to a successful issue have been perhaps very remote, and the parties who promoted them have hoped that something or other might turn up during the progress of the Bill that might give them vitality.

524. Colonel *Wilson Patten.*] Or to enable them to sell themselves to an existing Railway Company?—If I say circumstances to give them vitality, that is perhaps as strong an expression as I can use.

525. Colonel *French.*] Have not some of the most important lines in the kingdom had very much of a speculative character at first?—No doubt there are important lines in the country which have been introduced, probably without any great prospect of their being carried into execution, and which have nevertheless ultimately become important lines.

526. Mr. *Massey.*] You would call a railway scheme which has been got up not for the purpose of being carried into execution, but for the purpose of being sold, a bubble scheme, would you not?—Certainly; if I could say of any scheme that the object was not to make, but to sell the line, I should call that a bubble scheme. If Parliament can put its hand upon such schemes I should be glad to see them stopped.

527. Colonel *Wilson Patten.*] You have known many such cases, have you not?—If you could mention such a case perhaps I could follow you.

528. *Chairman.*] Are you acquainted with the Stafford and Uttoxeter case?—No.

529. Are you acquainted with the Metropolitan Union scheme of this Session?—Yes.

530. Mr. *Tite.*] You are familiar with this map attached to Colonel Yolland's Report; do you think that all the lines marked upon it are *bonâ fide* undertakings?—I am not acquainted with all the schemes laid down on the map.

531. *Chairman.*] Have you any suggestion to make with respect to an improvement or alteration of the present system of deposits?—I think I cannot very readily answer that question without knowing what the object is in making the alteration. If it be, as the Honourable and Gallant Member says, to ensure the *bona fides* of the scheme in its initiation, that is one thing; but if it be for a security to Parliament that the line will be executed, that would be another thing. In the latter view of the case I confess I do not see any means of altering the present system to advantage.

532. Assuming that Parliament contemplated both objects, can you suggest any improvement in the present system?—I do not think that the system of deposits has been a check upon the introduction of schemes having no great basis of stability in themselves. I do not know how you are to return to the system of the contract deed; it has been tried, and was absolutely a failure. The contract deeds were, as everybody connected with Parliament knows, quite specious in many cases. There were many exceptional cases where the contract deed was *bonâ fide*, and where the parties intended to pay the money; where the subscribers were principally people locally interested who desired to have the line made; they would be landowners and other persons of property; but a large bulk of the contract deeds no doubt were specious. That system has been tried, and that has hitherto failed.

533. Have you read the Minutes of Evidence taken at our last meeting?—No.

534. Have you read the proposal of Lord Redesdale?—No; the evidence is marked at the back, as being only intended for the Committee and the witness, therefore we do not see it.

535. A suggestion has been made that a deposit of eight per cent. would be sufficient, but that it should be connected with a subscription contract, and that no parties should be allowed to subscribe less than a moderate amount to that subscription contract; and that the names should, at all events, imply something of solvency on the part of the persons subscribing; that the money so subscribed should be the money that is to be deposited; that when deposited, it should be deposited under the conditions of the subscription contract; that the parties should receive shares in the concern equivalent to the amount of money so subscribed; and that when the time came round for the paying out of the money, the money should be paid to the company, the parties who had subscribed receiving shares to the amount of that money. The proposal is, in short, that there should be a deposit, accompanied with a subscription contract, and that persons should put their names down for a sum, and that that sum

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should be credited to them in fully paid-up shares?—The suggestion is new to me.

536. Mr. *Massey*.] It is part of the suggestion that the deposit should not be caution money, as at present, but that it should be a first instalment of the capital available solely for the purposes of the undertaking?—I think that might have a modified effect in stopping the projects you wish to stop; but I think it would be a very small one. I think that those who are able to get money for deposits, would be able to get names for the contract deed, and that they would be able to get money in respect of those subscriptions to the contract deed, and that arrangements would be made as they are now; that, unless there was a reasonable prospect during the progress of the Bill of its becoming operative if passed, the Bill should not be read a third time. I do not think that that proposal would altogether meet the difficulty. I may have misapprehended it. As I understand the suggestion, it is this; that there shall still be the deposit of 8 per cent. in the Court of Chancery, as at present; that it shall be locked up in the Court of Chancery, as at present; that the deposit shall be in money, not in stock, and that the money so deposited in the Court of Chancery shall be procured by means of a subscription contract by one or more parties, each of whom shall pay his relative proportion of the money so deposited, according to the number of shares that he proposes to take in the undertaking.

537. That they should be fully paid-up shares, and that the money should be paid out as shares in the undertaking when a certain proportion of the capital has been subscribed?—Yes.

538. A further suggestion has been made, that contractors should be excluded from this original subscription of 8 per cent.; should you think it right in the first place to exclude them, and should you think it practicable in the second place?—I think, to go a step back, there are two phases in which this question should be regarded, the one the endeavour to put a stop to that which has been called the speculative system of legislation, and the other not to interfere with those measures which are of themselves desirable, which are *bonâ fide* measures which the country requires, and which the landowners in the neighbourhood desire. If you make the orders too stringent for the purpose of excluding the speculative lines, I am afraid that the operation will be to exclude all legislation upon lines which are desirable, which Parliament would readily and willingly grant, but where there may not be sufficient means in the district to comply with the Standing Orders so designated. If that were so, the result would be very much this, that the extension of the railway system would be to a great extent in the hands of the existing railway companies; whether desirably so or not, it is not for me to express an opinion, but that would be the practical result of it. There are many cases of lines of no great length, and probably of no very great cost, which pass through a district where there is not a sufficiency of capital to enable the parties to subscribe very largely to that line. In such a case, anything which might be imposed of too stringent a character, with regard to the preliminary deposit of money or finding the money, might have the effect of stopping a scheme of that kind which was not speculative but really desired, and to which support might be given by the landowners, it may be by taking the value of their land out in shares, or it may be by giving their land at the lowest agricultural price to assist the scheme, that being an incident of *bona fides* in a scheme, just as much as the fact of money being forthcoming for the execution of a scheme.

539. If you thought that any instalment whatever should be demanded, should you consider that eight per cent. was an excessive sum to require?—No, I do not think it is.

540. Supposing that that eight per cent., instead of being paid either in stock or money, and locked up in the Court of Chancery until half the capital was expended, or until a bond was given, was paid in money only, and invested in Exchequer bills, and the interest paid to the depositors or shareholders until their shares were fully issued, do you think that such a condition as that would be too stringent for an infant company?—I think it would be very stringent for an infant company; that is, if the money were to remain until all the shares were issued.

541. Until a certain proportion of the capital was paid up, say until 50 per cent. was paid up?—I understood you to say all.

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542. *Chairman.*] If I rightly understood you, you said that you thought that eight per cent. would be too stringent; what amount would you think a fair amount?—I think that eight per cent. would not be too stringent an amount; perhaps I may be permitted to recall my answer to that question, because I am not sure whether the Honourable Member did not mean eight per cent. added to the subscription, not merely an eight per cent. deposit as at present, but that eight per cent should be found by means of subscription.

543. Mr. *Massey.*] I mean that when a new undertaking was projected, the promoters should be required to deposit eight per cent. of the estimated capital, and that that deposit of eight per cent. should be lodged in the Court of Chancery, and invested in Exchequer bills for the benefit of the depositors until the shares were issued; that that eight per cent. should ultimately at some stage, you might say when 50 per cent. of the capital was paid up, assume the character of fully paid-up shares, and be issued then to the original subscribers in that shape, and up to the time of their issue in that shape they would be receiving the interest of three per cent., or whatever the investment in Exchequer bills would be worth?—I suppose the sum of eight per cent. would be the proper monies of the parties who had executed the deed.

544. And those monies being honestly available for the expenses of the undertaking, and until required for the expenses of the undertaking, paying to the depositors three per cent., or whatever was the value of their investment in Exchequer bills. Should you consider that too stringent a condition for Parliament to impose upon a new company who were the promoters of a railway scheme coming to Parliament and asking compulsory powers to take lands, and to levy tolls, and to do all the extensive things that a railway company requires for the purposes of their undertaking?—No; I think, upon the whole, it would not be so; it is not a very large amount.

545. *Chairman.*] You have had a very considerable experience of Parliamentary Committees do you think that there is any real difficulty in a Committee ascertaining the *bonâ fide* nature of a project from such general evidence as is brought before them?—No, in some cases I think not; it depends a good deal upon the principle which is to guide the Committee in their inquiries into it.

546. I am putting this question in a broad manner; do you think that the circumstances which generally transpire in evidence before the Committee would not enable the Committee to form, if they thought it part of their duty to inquire into it, a good idea whether the scheme was a *bonâ fide* scheme, or a mere scheme got up to pick up credit as it went along?—I think that Committees have not been quite so stringent as they might have been in enforcing the Standing Order of the House, which directs that every Committee on a Railway Bill shall make special inquiry into the financial arrangements of the company, and the means which they have provided; I think the Committee have not done that; I think that there are cases in which, if the Committee had investigated more closely the position of the promoters of the Bill, they might have come to a different conclusion upon the preamble from what they have arrived at at present.

547. Do you not think that, generally, Committees have precluded themselves too much from general inquiries into the probable solvency of the undertaking before them?—I do; I ventured to express that opinion the year before last, when I was examined before the Select Committee; I said that I thought that there was more power in the hands of a Committee upon a Railway Bill than they exercise now with respect to an inquiry into the *bona fides* of the scheme.

548. Are you not of opinion that although people often make mistakes in believing persons to have money who have got none, they do not often make mistakes in believing people not to have money who have got it?—Quite so.

549. Colonel *French.*] Does not the abolition of the subscription contract show that Parliament does not conceive that it is desirable that Committees should go into those minute inquiries as to the solvency of each person?—The Committees were never in the habit of inquiring into the solvency of the parties to the contract deed, provided the contract deed on the face of it was an instrument legally binding the party subscribing it to pay his money; that was a satisfaction of the Standing Order, and that was all that the examiners could inquire into; I think there was one case of an inquiry once where very

strong

strong grounds existed for a suspicion of fraud in a contract deed; but except in that one case I do not remember that a Committee ever investigated the solvency of the subscribers or the *bona fides* of a deed in any other way; I forget the name of the exceptional instance in which there was an inquiry of that kind; but that is the only one that I remember.

550. You were asked a question as to whether you considered it advisable, in accordance with the evidence that has been given before the Committee, to exclude contractors from the deposit; I wish to know whether, if you consider it advisable, you would deem it possible to prevent their subscribing either in their own names, or in the names of other persons through whom they pass their money?—I should doubt the expediency of excluding contractors; and much more, I should doubt the possibility of being able effectually to do so; because I think that if the contractor himself did not appear in his own name as the party subscribing the deed, means would be found by which his subscription should be represented in the names of other parties.

551. You were asked also, whether you considered that it would be fair to have a certain proportion of the deposit money paid in, and invested in Exchequer bills, and to retain it until 50 per cent of the capital was paid up, and then issue the shares to the entire amount, I suppose in 100 *l.* shares, to the depositors. Would not that be calling upon the depositors to pay up 50 per cent. at the time you were calling upon the remainder of the shareholders to pay up but 10 per cent., or some much smaller proportion than that which the depositors paid?—That would be so; but as I understood it, that was coupled with the suggestion that the depositors should be receiving during that period the interest on the Exchequer Bills, or other security in which the money was invested; whereas in the case of the other shareholders who paid up the 10 per cent., they would be receiving no interest until the line was opened.

552. It would be the same thing when the depositor got his shares; he would be, to the extent of 50 per cent., in precisely the same position; he would be kept out of the entire amount of his money?—No, I apprehend the case would be this; supposing there were two parties, one of whom deposited in the first instance to the extent of 100 *l.*, that 100 *l.* is to be invested in stock, and he is to receive the dividends upon that stock up to the time at which 50 per cent. of the whole capital has been paid up; the other case is, that of a man who has also been a subscriber, but who pays his subscription in 10 *l.* at a time; he receives no interest whatever upon his 10 *l.*, 20 *l.*, or 30 *l.*, and so on until the line is opened for traffic. The distinction will be this, therefore, supposing that three years expired before the 50 per cent. had been paid up, the depositor would have been receiving interest upon his money invested in Exchequer bills, at such rate as they would bear, whereas the other party would be receiving no interest at all during that period.

553. You assume it to be half the time when you mention three years?—I take that as an assumed period. The subscriber who was not a depositor would have paid his calls in smaller proportional amounts than the individual who paid his 100*l.* at once, and he would have been receiving no interest, while the depositor would have been receiving 3 or 3¼ per cent., or whatever the investment of the deposit might bring him.

554. For the three years?—Yes.

555. That would be the advantage of the depositor, and his disadvantage would be during the other half of the time; the period when he would be without any interest at all?—Yes; the depositor and the other individual would be upon the same footing after the 50 per cent. was paid up.

556. Mr. *Tite.*] Do you recollect, in your experience, when the Committees ceased to inquire into the *bona fides* of parties subscribing the contract deed. In my time, I recollect many cases wherein they examined very considerably into the *bona fides* of the scheme?—I do not remember it being done as a general rule at all: the only case that comes back to my mind, and of that I have forgotten the name, was one where there was a grave suspicion of fraud upon the face of the contract deed, and it was inquired into to some extent. I remember this also, that some years ago there was an express order made by the House that, in the case of certain specified Bills, the Committee should inquire into the *bona fides*; Mr. Eliot Yorke was, I think, the chairman of that Committee.

557. Did I understand you to say, however, that comparatively recently any

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inquiry into the *bona fides* of these subscription contracts was pretty well abandoned by the Committees?—That is my recollection of the practice.

558. *Chairman.*] In your experience of Committees, have you often known cases where a prospectus has been put before the Committee and the parties examined as to the truth of the facts alleged in the prospectus?—I have known that done occasionally; not as a rule. The prospectus being put in by the promoters would depend entirely upon whether or not the promoters thought that they could establish sufficiently all the allegations in their prospectus; no doubt occasionally I have seen it put in by the opponents and witnesses cross-examined upon it; but in modern days prospectuses have become rather rare articles. We do not very often see railway companies started now with prospectuses.

559. Mr. *Tite.*] Do you recollect cases in which the *bona fides* or respectability of the parties who have signed the contracts has been distinctly called in question by the opponents of a Bill?—Yes.

560. What became of them by the Committees to whom those petitions were referred?—My impression would be, that in very few cases the Committees would enter into the investigation; as I have said, I only remember one which comes distinctly home to my recollection.

561. Then the principle of inquiry into the ability of parties to perform what they by their hands undertake to perform, seems to have been given up by the Parliamentary Committees?—It has been given up if it was ever undertaken.

562. Mr. *Brown Westhead.*] Probably, since the system of deposits was established by Standing Orders, the fact of the deposit having been made was taken by Committees as an assurance of the *bona fides* of the undertaking?—Yes, no doubt. Since the time when the deposit system was established by Parliament, Committees have not uniformly thought it requisite to go into the *bona fides* of the undertaking as they formerly did. Of late years, when an attempt has been made to induce a Committee to go into the question of the ability of the parties promoting a scheme to carry it out, it has been usually met by counsel saying, Here is the Standing Order, Parliament has abolished the contract deed, and has substituted for it a deposit of eight per cent. The Committees have generally taken that as sufficient; no doubt there have been exceptional cases, but the deposit money has usually been taken as a security for the *bona fides* of the scheme, and for its execution, if the Act should receive the Royal Assent.

563. Colonel *French.*] If the Committee did want to inquire into the solvency of parties, where would they go since Parliament has done away with the subscription contract?—As the system as established by Standing Order at present exists, I do not know into whose solvency the Committee could inquire, because there are no persons who profess to be the parties bound to carry the work into execution. What I mean is this: the deposit money being now the only thing which Parliament requires as a preliminary to the introduction of Bills, it is not competent to a Committee to inquire into the insolvency of any individuals who may be brought before them as connected with the schemes, because there are no individuals before them, as there were in the case of the contract deed, who have undertaken to execute the line. There may be an inquiry as to the probability of the promoters of a Bill being able to carry out their undertaking, but not as to the solvency or insolvency of any individual connected with the undertaking.

564. If there are no individuals named at all, do you not think that that is a tolerable proof of want of *bona fides* in the undertaking?—You will generally find individuals named in the Bill as directors; there are very few cases of the contrary.

565. Mr. *Brown Westhead.*] Formerly there was a Parliamentary contract and also a subscription, was there not?—That was a mere formality; there was only one ducument which Parliament regarded, and that was the document by which parties bound themselves to pay the money subscribed. The other deed was generally a sort of deed of partnership between the parties which was to guide their course of proceeding prior to their obtaining the Act; as, for instance, that the majority of the shareholders should bind the minority, that the provisional committee should have full powers to enter into contracts; that was a supplementary deed which was not required by Parliament, but which was a security amongst the parties themselves.

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566. Mr. *Tite.*] Did you ever see a contract deed signed by three people, or by a small number, when the system of requiring a subscription contract existed in Parliament?—No; I think not by any number which, taking three as the test of what you call a small number, I should consider to come within that description.

567. You have never seen a contract deed signed by one person only?—I cannot say that, because there have been instances in which individuals have sought powers to execute an undertaking alone; but I have not known it in the case of a company.

568. Do you recollect a contract deed signed by three persons?—I do not charge my memory with such a case.

569. Or any very small number?—I should say not, generally speaking, unless there may have been a case where the work has been small.

570. *Chairman.*] Do you not think that it is desirable that, in all plans submitted to Parliament, there should be a certain number of directors positively named in the Act?—Almost universally that is so now; though there are some exceptional cases; I think that in the great bulk of cases you will find directors named.

571. Mr. *Tite.*] Are you sure of that?—I can only speak of my own Bills.

572. Would you say that with regard to the Metropolitan Bills of this year?—In such of those Bills as are in my custody, the directors are named in the Bill.

573. Do you not think that in cases where there are no directors named, that would be a very good reason for the Committee not sanctioning the Bill?—I think it would be a very good reason for the Committee looking with suspicion upon their proceedings. I should not put it beyond that.

Dudley Coutts Marjoribanks, Esq., a Member of the House; Examined:

D. C. Marjoribanks, Esq., M.P.

574. *Chairman.*] I BELIEVE you can state to the Committee a case in which a sale of property has been interfered with by notices for a railway which has been abandoned in the present year?—I can.

575. Will you kindly state generally the particulars of the case?—In October last, Messrs. Matthey & Johnson, the gold refiners, agreed to purchase the Clapton Mills, at Woburn, and they asked me to give them a Parliamentary title, to which I said I had no objection, provided that they paid interest upon the purchase money until the title was procured. On the 7th or 8th of December, I received a railway notice from the promoters of the Hounslow and Wycombe Extension Line, saying that they intended to cross this property. I immediately forwarded the notice to Messrs. Matthey & Johnson, and they then refused to complete the purchase. On the 24th of December, Mr. Lofts, my agent, wrote to me in Scotland to inform me of this refusal. I wrote back to Mr. Lofts, desiring him to see Mr. Matthey upon the subject. Mr. Matthey however refused to complete, and Mr. Lofts informed me that there might be redress at law. At my request Mr. Lofts wrote another strong letter to Messrs. Matthey & Johnson, upon receipt of which they desired their solicitors, Messrs. Bailey, Shaw, Smith & Bailey, to write this letter, dated 9th January 1864:—"Mr. Matthey has forwarded to us your letter of the 6th instant, in order that we may answer it. We think, with all deference, that if there is any cause of complaint it should be preferred against the promoters of the railway who, by their notice, have disturbed the arrangement which Messrs. George Matthey & Co. would most willingly have carried out. They do not agree with you in the suggestion, that a railway passing through the property so close to the residence on an embankment of 40 feet would not interfere with it. They consider that it would most materially deteriorate the value of the whole property, and we concur with them in this view." The Great Western Company opposed this extension line, and the Bill never came before a Committee; it was withdrawn. I then desired Mr. Lofts to write to Messrs. Matthey & Johnson to know if they would wish to take the property; their reply was, that they had bought another property in the meantime.

576. Mr. *Tite.*] Was the deposit ever made by that Railway Company?—I suppose it was, but I cannot say.

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577. *Chairman.*] When was that line withdrawn?—I think about the end of February.

578. You have remained with your property unsold in consequence of that?—Yes.

579. It is on your hands at the present moment?—Yes; the rental previously to October was 450 *l.*, and I am so much out of pocket.

580. And you have no intention of trying to enforce the purchase?—None.

581. You have no doubt that, if the notice had not been given, your sale would have been completed?—Yes, Messrs. Matthey & Johnson were anxious to complete; they stated so in one of their letters, dated 6th January 1864.

Robert Baxter, Esq.; called in, and Examined.

R. Baxter, Esq.

582. *Chairman.*] I BELIEVE you are a Parliamentary agent of very long standing, as well as a solicitor?—Yes; I do not generally act as a Parliamentary agent; I employ Parliamentary agents, but I am upon the roll for the purpose of now and then conducting a small opposition; I usually employ Parliamentary agents in the conduct of Bills.

583. It was stated the other day before this Committee, that the practice which had been pursued in the Private Bill Office with regard to the issuing of warrants for, I think, 14 or 15 years, had been altered; and it was stated that, in the first instance, the alteration was made at your suggestion through a Parliamentary agent?—I think it was; of course I am not sure of it, because I do not know what others might have done; but I recollect that upon one occasion, when I was getting a deposit for a railway company, I was asked for the names of the directors in whose names the money was to be lodged; I referred to the Act, and said, "Why am I to be troubled with the directors' names; why cannot I put in the names of the bankers through whom the transaction is done: I looked at the Act of Parliament, and saw, to my own conviction, that the party in whose name the deposit was to be paid was not necessarily the same as the party who signed the requisition for the warrant, and therefore the bankers' name was put in instead of the directors in that case."

584. Was that the first occasion on which you had ever obtained a warrant?—It was the first occasion on which I had ever gone into the question of the warrant. That was the case of a railway company, as I said, to whom a banker was advancing the money for deposit; the deposit was in stock. I should have had to transfer it first into the names of the directors, and then to have got a power of attorney from the Bank to re-transfer it into the name of the Accountant General, or to have brought up three directors from the country to do it. The extreme inconvenience of such an operation led me to say, Why is it necessary that the money should be paid in the names of the directors? I referred to the Act, and saw to my conviction that that was not necessary. I then applied to the Parliamentary agent to ask for a warrant in the name of the banker, pointing out upon the face of the statute that the party in whose name the deposit was to be paid might be another from the person who was signing the warrant. They said it was so, and gave me the warrant in that form.

585. Who said it was so?—The clerk in the Private Bill Office.

586. My former question was, had you never before been the means of warrants being issued to the directors?—Yes, certainly; for years before.

587. How came your attention not to be called to this Act before?—I do not remember why it was, but it so happened that, in this case, when I was borrowing the stock from a banker for a railway company, I found it would involve me in delay of a week or 10 days, either to fetch up three gentlemen from the country or get the requisite power of attorney from the Bank of England. I said, "Why is all this necessary?" I looked at the Act of Parliament, and saw, to my own conviction, that it was not necessary at all, and accordingly I put in the name of the banker.

588. You drew up the case, I think, which was submitted to Mr. Welsby recently?—I did.

589. Are you not of opinion that the spirit, object, and intention of the Act of

of Parliament in requiring the deposit was to procure the deposit from parties who were actually connected with the undertaking?—No doubt the spirit of the Act of Parliament is, that the parties who apply for a Bill shall pay in a certain sum of money as a guarantee that the work shall be performed; but I do not find in the Act, or in any of the Standing Orders of Parliament, that it is necessary to say from what source the money shall come, so long as the parties promoting the Bill pay in the money: when the money is paid in, Parliament has specifically got everything that it asked for. There is nothing upon the face of the Standing Orders either expressed, or to my mind implied, to render it necessary that the parties paying in the money should be paying in their own money.

590. If Parliament had intended that the deposit might be made by parties, others than the promoters of the Bill, would it not have been sufficient, assuming your construction of the Act to be right, to say that the deposit shall not be made until the third reading of the Bill?—I do not go with that inference; it does not appear to me that that is the legitimate inference from the premises at all. I think Parliament has chosen to say, before you deposit a Bill, or immediately after you deposit a Bill, you shall, before Parliament is troubled with the consideration of the Bill at all, pay in eight per cent. upon the amount of your estimate as a guarantee that the work shall be carried out if Parliament grants the Bill.

591. Whom do you mean by "you"?—The promoters.

592. Do you consider, then, that the promoters do pay in that eight per cent., if the money is paid in by third parties over whom those promoters have no absolute control?—It is a simple case of borrowing money. If I borrow 100,000 *l.*, it is just as much my money as if I had found it by getting it out of the funds and transferred it out of my own name. As soon as I have borrowed it it is mine to all intents and purposes; I have the obligation to the party from whom I have borrowed it, but it is just as much mine as if I had sold out a sum of 100,000 *l.* of my own from the funds.

593. If the directors have, by agreement, divested themselves of the conduct of the Bill, on the deposit being made, can it be said to be their deposit?—There is no question about it; distinctly it is their deposit. Whatever they do about the Bill I have never myself allowed the parties who lend the money to interfere with the conduct of the Bill; I have never given them any power over a Bill; other gentlemen may have done so, but I never have, nor has my firm, in any transaction which we have had.

594. Are you aware of a Bill of Complaint in the Court of Chancery (not connected with you in any way) from which it appears that there was a distinct agreement that the Bill should be withdrawn at the third reading at the direction of the lenders of the deposit, namely, the Union Bank in that case?—I am not aware of it; I did not see the report of it.

595. Do you not conceive that the objects of Parliament have been defeated by a practice of this kind?—No; I do not think so at all. The party promoting a Bill has, by the regulations of Parliament, the power to withdraw at any time he pleases. If he has paid in his own money, and if the Committee have inserted any clauses which he thinks unacceptable, or if circumstances have changed so as to render it unadvisable for him to go on with the Bill at any time before the third reading, he can withdraw the Bill; the House exercises no control over him. If it is more convenient to him that he should borrow the money up to the period of the third reading, and then replace the money permanently on the eve of the third reading, I really do not see that there is any evasion of the rules of Parliament in any way whatever. Parties have not been aware of the practice, and are now made aware of it; but it does not appear to me to be an evasion in any way whatever. All Parliament requires is, if we pass a Bill for a new company, they will have a guarantee of eight per cent. upon the estimate; and in the case of an old company, they will put them under a penalty to secure the construction of the line; but up to the moment of the third reading Parliament gives to a promoter full control over the Bill, and for any reason whatever in his own mind he may withdraw the Bill without Parliament interfering with him. Provided that Parliament has the deposit in case the Bill passes, it has got all that it ever looked for.

596. You think that Parliament gets all it requires without reference to the parties from whom it gets it?—Entirely; whether a man pays in the money

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from his own funds, or borrows the money from some one else in order to pay the deposit, can make no difference to Parliament. If the Bill passes, the money is impounded, no matter whose it was when the Bill was first submitted to Parliament. The Bill cannot pass without the impounding of the money.

597. If anything should shake the state of the money market, does not this system embrace the probability of the parties at the latest stage of the Bill, stopping the Bill, not with a view to the public benefit or to the merits of the Bill, but merely with reference to their own convenience in getting back their money?—Yes, certainly; but that they would also do if it were their own money. If a man, who is advancing 100,000 *l.* in a railway undertaking, sees a great crisis coming, which renders it improbable, according to his judgment, that the capital will be raised for the construction of the line after the Bill is passed, he withdraws the Bill in consequence of the state of the money market. It will always occur that, when a crisis is impending or has arrived, you will find Bill after Bill withdrawn from Parliament, no matter whether the deposit was borrowed or furnished by the parties promoting the Bill.

598. Are you aware that the word "previously" occurs with reference to the stock in the Act of Parliament which regulates the deposits. The Act of the 9th & 10th Victoria, cap. 20, section 3, says, "In case any such director or person, directors or persons, having the management of any such proposed work or undertaking as aforesaid, shall have previously invested in the Three per Centum Consolidated or the Three per Centum Reduced Bank Annuities, Exchequer Bills or other Government securities, the sum or sums of money required by any Standing Order of either House of Parliament as aforesaid to be deposited by the subscribers to any work or undertaking which is to be executed under the authority of an Act of Parliament," they shall be allowed to transfer the stock for the purpose of the deposit?—Those are the words.

599. You are aware, are you not, of what the object of that Act was?—Certainly; the object of that Act was simply to allow a deposit of stock, instead of a deposit of money in cash.

600. Was not the object something more than that; was not it the object that "the directors and promoters" (those being the very words used here) who held stock, should not be put to the inconvenience of selling out their stock, and taking their chance of a rise or fall, but should be allowed to transfer it to the account of the railway; was it not for the convenience of the directors and promoters, and them alone?—I think the larger and fuller view of it is the correct one, namely, that it was intended to allow stock to be deposited in lieu of cash. Suppose I borrow money and invest it in stock, and then transfer the stock, I comply literally to the utmost letter with the statute. But suppose I borrow the stock at once, is there any evasion of the statute, because I have not gone through the process of borrowing the cash, and then investing it in stock, and then transferring it to the Accountant General? Can the provisions of the statute be at all evaded, by the fact of my having the stock given to me (it must be in my name when I transfer it) before I transfer it, instead of having the cash, and turning the cash into stock? It is only doing it by one step, instead of doing it by two steps.

601. The Act of Parliament contains these particular words, "any such director or person, directors or persons, having the management of any such proposed work or undertaking as aforesaid, shall have previously invested," so-and-so. If your view of the case be correct, Parliament need not have used the words "Directors or persons having the management" at all, but might merely have said, such deposit shall be made in stock?—No doubt they might have used another form of expression; they might have said, instead of depositing cash, the promoters of a Bill may deposit stock; they have merely made a little paraphrasis to say, if it happens that their deposit is in stock instead of in cash, they may deposit the stock instead of the cash.

602. Have you read the Report of the introduction of that Bill into Parliament, and the speech of the proposer?—No; I do not know who did propose it.

603. Does not the present practice make the connexion between the deposit and the promoters mainly dependent upon the individual respectability of the solicitor, or the person who manages the line, because, as you are aware, in certain cases the lenders have made a positive agreement that they shall have the power of stopping the Bill?—I am aware that, in certain cases, there have been such agreements. I have never made them, but I know that they are made,

made, and no doubt it may be, that where parties feel that they can rely upon the respectability of the solicitor, they may take his simple undertaking to pay back the money. Instead of having an absolute agreement, giving them power to stop the Bill, they may rely upon his respectability, and for that reason waive the agreement.

604. Do not you think that an agreement recorded in a formal manner, giving parties other than promoters, or persons connected with a Bill, the power of stopping the Bill in Parliament, is an interference with the proper conduct of Acts of Parliament, which Parliament could never have intended to sanction?—I could not say so; I think, if Parliament chooses to say that the parties who deposit the money shall be not the borrowers, but the absolute owners of the money when they deposit it, then to let a party lend the money and deposit it, would be in fraud of that Standing Order. But there is nothing either expressed or implied in the Standing Order, or in the Act, which says that the promoters shall be the owners; provided that they make the deposit in such a way, that Parliament, when it passes the Bill, lays its fingers upon the money, and impounds it until half the line is made, that is all that Parliament asks: that is the substance of it. It appears to me to be a perfect waste of time to ask where the money came from; how it came; or through what names it came. If the Act passes it is impounded: if the Act does not pass it is not wanted; that is the substance of it; that is the real security. How it came, whether it came in stock or in cash, or whether it came through the names of John, or Tom, or Harry, can make no possible difference; there it is, no matter through whose name it came, or whose property it was. If the Act passes it is impounded, and the line will be made.

605. Do you think that it is consistent with the intention of the Act, that the parties who pay in the deposits shall be strangers to the undertaking?—I think it is not inconsistent, either with the intention of the Act or with the Standing Orders of Parliament, that the money should be borrowed of strangers, so that it be paid into the Accountant General, and be so lodged, that if perchance the Bill passes, it is regularly impounded as a security for the making of the line: Parliament wants nothing else. If Parliament had wished it to come through a particular channel, they would have defined that channel; they said, and, if I may say so, I think very sensibly, we want solid security for the completion of the line. To provide for that they have the deposit of eight per cent.; if the Bill passes it is impounded; if the Bill is withdrawn Parliament says we want no security. Parliament has the deposit, no matter how it came there; it seems to me, with all submission, to be a perfect waste of time, to inquire through what channels it came. There it is within the control of Parliament, and if the Act passes it is impounded; that is my view of the Standing Order.

606. My question was, whether you thought it consistent with the intention of Parliament that the depositors should be strangers to the undertaking; and your answer was, that you thought it was not inconsistent. Do you think it consistent with the real general spirit of the Act?—Certainly; I was only answering a little more specifically; I think it is perfectly consistent with the intention of Parliament, that parties may obtain the money from any source they please; put it any names they please, and pay it in after what manner they please, so that it is technically impounded in such a shape that when the Bill passes, in consequence of the fact of the Bill passing, the money cannot be touched till half the line is made.

607. Do not you think that the system of allowing third parties to make the deposits has a greater tendency to encourage purely speculative schemes, than if the payment of the deposit was entirely restricted to parties connected with the undertaking?—There is no doubt that the borrowing of the money facilitates the applications to Parliament. If it is the object of Parliament to restrict or to prevent, or to limit the construction of railways, they may do so in many ways, and one way of doing it would be to say that companies shall neither borrow for the deposit nor borrow for the construction of the line. In various ways you may limit the power of the country to construct railways, and the possibility of parties being found to undertake their construction. In order to illustrate the results of the present practice, I have taken the trouble to see what has been the number of applications to Parliament within the last 11 years. I see that, upon the average of 11 years, there are 1,000 miles of railway applied

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for in Parliament each year by new companies, and 500 miles of railway applied for by old companies; that is the scale upon which the Parliamentary applications are made. I do not find a Return to the House of the number of applications that are granted, and of Acts that are passed, but I should judge that about two thirds of those Bills are passed. That involves, perhaps, from 12 to 20 millions of money being annually invested in railways. If Parliament should think that there is too much money going into railways, or that the country has as many railways as it need have, and wish to put a restriction upon the applications for railways, there are many modes that could be suggested in which those restrictions could be enforced. Hitherto Parliament has been rather relaxing than restricting; the old subscription contract was a much more cumbrous, expensive, and restrictive process, than the present mode of impounding the deposit.

608. Colonel *Wilson Patten.*] The Honourable Chairman has alluded to a transaction which has been mentioned to this Committee, in which parties have bound themselves to return the deposit which they had borrowed to the parties lending it before the third reading of the Bill?—Yes.

609. Supposing that to be the case, whatever the object of Parliament was, in asking for the deposit, that object has been defeated by that transaction, has it not?—If the money is not forthcoming, and therefore the Bill drops because the parties are not prepared to repay the tender, then the Bill is withdrawn before the third reading; the Bill is not passed.

610. The object of Parliament has therefore been defeated, whatever that object was?—I do not see that.

611. The promoters are under the obligation to return the money before the third reading?—Yes; but the object of Parliament is to allow parties to promote Bills, and withdraw them at their pleasure at any time before the third reading. In that case, the parties would have withdrawn their Bill before the third reading, and therefore the Bill would not pass: that is all.

612. Supposing that a party is under a written obligation to the person who lent the money to return it before the third reading; is not then the object of Parliament defeated?—I think not: it does not appear to me to be so at all. No party in his senses would undertake the expense of an application to Parliament with the certainty of being obliged to withdraw the Bill upon the eve of the third reading. To put it stronger, no person in his senses, seeing the very heavy costs which attend the promotion of a Bill in Parliament, an amount varying from 5,000 *l.* up to 20,000 *l.*, would incur that cost, unless he felt a moral certainty that, before the third reading of the Bill, the permanent capital for the deposit would be found.

613. The transaction has taken place, and, having taken place, the parties having bound themselves, without any conditions whatever, to return the deposit money to the lender before the Bill was read a third time; has it not, at any rate, to a certain extent, defeated the object of Parliament?—No; the parties find the money; they do not withdraw the deposit. I have had experience now for a considerable number of years in that line, and I know that what is always done is this; the money is found; the lenders are repaid their money before the third reading of the Bill, and the Bill is passed.

614. Would you kindly state to the Committee what you believe to be the precise objects of Parliament in asking for the deposit?—I believe it to be this: that when a Bill passes giving compulsory powers over gentlemens' property, and occupying a line of country by a railway, they shall have reasonable security that the line so authorised shall be constructed.

615. Do you think that the only object which Parliament had in view?—Entirely.

616. You do not think that Parliament had this object in view, that before parties should be allowed to put others to expense in Parliamentary contests, they should deposit a sum of money, showing that they were ready to carry out the undertaking?—I do not think so; that might have been inferred from the preceding system of the subscription contract; but when the subscription contract was set aside, and the parties were merely required to make a deposit, I think that object was varied.

617. You state that you believe the sole object was to secure the completion of the work?—I do.

618. Mr. *Tite.*] With regard to your exact position: in the case of the Thames Embankment Bill which you carried through Parliament, were you agents, or solicitors, or both?—Only solicitors.

619. Not agents?—No.

620. There was an agent distinctly employed?—Yes.

621. You have mentioned two objects which Parliament might have had in view in passing the clause which has been referred to; do you not think that Parliament might have also had in view, the protection of parties from being exposed to mere speculation by engineers or solicitors, as the case may be. Apart from the question of Parliament having intended to protect the old companies against the rivalry of new speculative undertakings, may it not have intended to protect me from having to defend my property against an undertaking which had no *bona fides* in it?—I see a very great movement in the present session to attempt to induce Parliament to consider that they are bound to protect the old companies, but I never heard of Parliament evincing any great disposition to protect the old companies; they are perfectly able to protect themselves. With regard to individuals, any gentleman, either a landowner or any one else, cannot be put to the expense of coming into Parliament except by the parties who bring him there incurring ten times the expense that he is put to in coming to defend his property. Therefore I think Parliament has a tolerably substantial guarantee that people will not recklessly bring others into Parliament if they are themselves incurring ten times the expense they put the other parties to.

622. Do you think it no hardship that I should be compelled to protect myself at very great expense, because some other parties may or may not have the means of carrying out their undertaking, must incur ten times the expense in bringing me before Parliament?—You asked me, as I understood, in your former question, whether Parliament expects some guarantee on the part of persons who bring others into Parliament that they are *bonâ fide* prosecuting the scheme; my reply was that I thought that the expense which the parties incur in their application to Parliament was in itself a substantial guarantee of their *bona fides* in the scheme.

623. Still, it may be a mere speculation on the part of persons who might sell it as it progressed through Parliament, without having any *bona fides* in starting?—Every railway is, to a certain extent, a speculation; but it is not the case that parties can come to Parliament and risk nothing, while they put others to expense. As I say a Bill costs the parties from 5,000 *l.* to 20,000 *l.*, to fight through Parliament, no man will incur either the one expense or the other, without substantial reasons for doing so, and, therefore, that very outlay seems to me to be in itself a guarantee that people will not be recklessly brought to defend themselves in Parliament.

624. With respect to a case in which the London and North Western Company had to defend themselves against a speculative railway, in which there was apparently no *bona fides* in the first instance, because the parties advertised a year afterwards for a proprietary and a directory, do not you think that that was a case of hardship which Parliament ought to protect the parties against?—I am not aware of the case you refer to.

625. In the case of the Stafford and Uttoxeter Railway, there were no proprietors and no directors. I believe the railway is partly constructed; it certainly was intended, when the Bill passed, to sell it, but they could not sell it, and, in the meantime, great expenses had been incurred in opposing it; are you aware of that?—I do not know anything about that case. But, in order to go on with the Bill, the parties must have incurred, probably, an expense of 10,000 *l.* to get it through Parliament, therefore there must have been somebody at the back of it, and if, as you say, the railway is partly constructed, that involves an expense of thousands and thousands more. Parliament has to weigh between the inconvenience of individuals being brought up to defend themselves, and the public disadvantage of repressing improvements in the way of railway enterprise. Parliament has hitherto held the scales in this manner, that each party should pay their own costs; the costs, as I say, to the promoters of a Bill are ten times those incurred by the opponents.

626. Do you think that Parliament, when abandoning the subscription contract and adopting the clause which has been under discussion, had not at all for its object to insist upon the *bona fides* of the parties introducing the Bill?—

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I think the abandonment of the subscription contract and the substitution of the deposit had for its object giving greater facilities for the promotion of Bills, and not throwing greater difficulties in the way.

627. Are you aware of the history of that legislation?—Yes.

628. Was it not, on the contrary, that it was intended to put an end to the system of fraud and evasion of the Standing Orders; and was it not believed that a *bonâ fide* deposit would protect the public against the borrowing of the money, or anything being used but the real actual money of men who were earnest about the undertaking?—That is not my impression; I know as a practical man, immersed in railways, and dealing with them in every manner, that I have found that the abolition of the subscription contract, and the substitution of the deposit, has given greater facilities for the introduction of railways.

629. By your interpretation of the clause, so as to enable you to borrow the money and put in other names than the directors, it may be so; but do you think, if we had some guarantee of *bona fides* by having the names of the directors pointed out by the clause, and the money really deposited by them, there would not be an assurance against what are, in fact, bubble companies?—No, it makes no difference whatever; if you say to me, let the money always be paid in in the names of directors, I say, by all means, if you think any benefit will arise from that; I tell you, as a practical man, that it will not make the slightest difference; it is a question of some days in getting a power of attorney, and the inconvenience of parties coming up from the country, but I would just as soon pay the deposit in the names of the directors as in those of any other parties; it makes no substantial difference.

630. In fact, do you find directors ready to undertake great works of this kind; do they not shrink both from the risk and from the moral responsibility?—Certainly we find them.

631. Take the case of the Metropolitan Grand Union Railway, which was, I think, one of your own; are there many directors in that Company?—That is not one of my Bills.

632. Take the case of the inner circle line; I do not know the exact title?—It is the Metropolitan District Railway.

633. Are there any directors in that case?—Certainly.

634. Who are they?—Lord Devon is the chairman, the Honourable Mr. Lygon is another director; Mr. Worms, the large capitalist and city merchant, is another; and Mr. Wilkinson, and three directors of the Metropolitan Railway, are four other members of the Board.

635. Are their names inserted in the Bill?—Certainly, we are obliged to put their names in the Bill; at least, I always do so; it is quite an exception when they are not in the Bill.

636. Mr. *Edward Egerton.*] There is no obligation to put the names of the directors in the Bill, I believe?—The practice is universally to do so.

637. Mr. *Tite.*] Is Lord Devon's name in the Bill?—Yes.

638. In the case which was put to you by an Honourable Member just now, the parties borrowed the money on the condition that it should be paid back, or the Bill be withdrawn before the third reading; in your case, when money has been borowed for such a large system of railways as that I have referred to, there is no such condition made by you, is that the case?—No, that is not so. In every case of borrowing a deposit you engage to pay the money back before the third reading. The only distinction is this, some people have given to the parties who lend the money a control over the Bill by agreement, but I have never done so; when I have borrowed money I have simply given a personal undertaking to pay back the money before the Bill was read a third time, and I have never been asked for anything more. In every case it is to be paid back before the third reading.

639. That is to say, as far as you are concerned?—No; in every other case also. On the eve of the third reading, if the parties then choose to invest their money as a permanent investment, it is at their option to do so; but the choice always arises on the eve of the third reading.

640. Of course you do not know that in the case of the Metropolitan Railway, the money was locked up for a great many years, and the parties were apprehensive about it; therefore, when you say every case, you must mean every case within your knowledge?—Yes; I mean every case that I have ever heard of.

641. Colonel

641. Colonel *Wilson Patten.*] Do I rightly understand that in every case in which you have been concerned, you have entered into an agreement with the lenders of the money to return the money before the third reading of the Bill?—In every case where the money has been borrowed.

642. Mr. *Tite.*] You spoke of 1,000 miles of railway and 500 miles of railway, the former being promoted by individuals, and the latter by companies; are you aware of what has been the end of it; how much of that mileage has been completed?—You may take all the lines granted by Parliament now as being made; the exceptions are very small.

643. Are they stated in your paper?—No; I cannot get at the results without going through the Acts of Parliament; but you may test it thus. I have not known a single case, within my experience, of a deposit having been forfeited. I have consulted my friends, and I have found one who knew of one case in which about 4,000 *l.* was forfeited. That is the only case I can hear of since the House adopted the plan of requiring the eight per cent. deposit, and if the deposit is not forfeited, the railway must necessarily be made. Therefore, I think you may take it for granted that all the railways sanctioned by Parliament now are made.

644. The Committee have had a suggestion made to them, by a gentleman of considerable importance, that Parliament should go back to the system of contract deeds, and that contractors should not be allowed to participate in those deeds; is it within your experience, or do you know it to be the fact, that contractors do go largely into these speculative schemes, and obtain thereby the contracts at their own prices, to the prejudice of the parties who really take the risk of making the line?—There is no doubt about the fact, that contractors do go largely into railways, and that they go largely into railways upon the basis of having the contract to make the railway afterwards. If it were not so, we should not have half the railways that are made carried out, certainly.

645. Why so; do you mean that they find the money?—They find the money; railways have been in such discredit for the last 10 years, that you would not find the public furnish the money for the very best railways in one case out of ten. I should say, that nine railways out of ten are made with the aid of contractors.

646. Therefore, the contractors recoup themselves by getting the contract at a somewhat extravagant price?—They recoup themselves by getting the contract at somewhat higher prices than they would have, if they had not taken shares in payment of their contract; still there is no concealment about it. Nine-tenths of the railways that are made through the country now, are made with the specific aid of contractors, and would not be made if the contractors did not aid them.

647. Mr. *Sotheron Estcourt.*] Do I distinctly understand you to say that in all cases you return the money borrowed before the third reading?—Always.

648. As an invariable rule?—Invariably.

649. Therefore, whatever may have been the intention or object of Parliament in requiring the system of deposits, that, so far as your experience goes, can only have lasted to the eve of the passing, the third reading?—The fact is this, up to the third reading is a period not exceeding six months; you have to meet all the eventualities of the Session when the Bill is in the House of Commons, and when the Bill is in the House of Lords, and fighting through the difficulties, there are chances, of course, against any Bill passing, and you have to incur those chances. If you see that your Bill will pass, if you see that it is not ill-treated by its opponents, and is worth taking, you immediately make the permanent arrangements for the passing of the Bill; the money that was deposited lies in its deposit, but you give back to the gentlemen who lent it an equivalent for what they have lent; you never disturb the money in the Accountant General's Office, but you give them an equivalent. In all our practice, which is very considerable, I have never known a single instance in which a Bill has fallen through for want of money, before the third reading.

650. Colonel *Wilson Patten.*] I understood you, in answer to a question that I put to you, to say that you had entered into an obligation to the lender to return the money before the third reading of the Bill, without regard to any of those circumstances which you alluded to in the last answer?—Of course the

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party who lends the money must have a positive engagement to have it paid back again.

651. And you entered into that positive engagement?—Yes; the explanation which I have given is this, that arrangements are always made before the third reading to repay the party who has lent the money. The money which has been deposited remains deposited, and is impounded. I have never known an instance in which a Bill has been withdrawn for the want of repayment of the money before the third reading.

652. Mr. *Edward Egerton.*] I understood you to say that you recollected all the circumstances with respect to the intention as far as it could be gathered of Parliament in making the change of the law with respect to subscription contracts; do you imagine that it was the intention of Parliament to give a greater facility to those schemes by abolishing the subscription contract?—I certainly found that to be the effect of it.

653. Surely that was not the intention at the time as expressed in the debate in which the Bill was brought in?—I remember reading the debate at the time, but I have not read it since.

654. You distinctly stated just now that Parliament had rather waived some of the restrictions in favour of promoters?—That was the practical effect.

655. Within the last three or four years, have not the schemes promoted by engineers and lawyers, increased to an extent that was not known between 1850 and 1860?—I do not know about the schemes proposed by engineers and lawyers.

666. Is it not the fact that half the schemes introduced into these Committee Rooms, have no shareholders at all?—No, I do not know that as a fact.

657. There are several great fights going on now; do you know that there is any proprietary at all, or that there are any shareholders?—Certainly.

658. You stated that as your positive knowledge?—Yes.

659. Do you not know that they are got up mainly by engineers and lawyers?—I do not doubt that there are many which are got up in that way.

660. With the express purpose of being brought up by some one of the existing companies?—No, I know that that is the bugbear of the old companies; they conceive that that is one of their wrongs, but that is not the case.

661. Mr. *Tite.*] At least it is not so within your own knowledge?—No, it is not within my own knowledge; and I am very generally conversant with what is going on in the railway world. I venture to say that the effort that is now being made by the old companies to repress the construction of new lines is not at all to the benefit of the country, and there is nothing in the temper of the public mind as regards the construction of new lines that is in excess of the wants of the country.

662. Mr. *Edward Egerton.*] Do not you think that if there was a call for a railway in any particular district, the old companies in possession of the neighbourhood would be as likely to know the wants of the neighbourhood as anybody living in London?—I should be very sorry indeed if the country were left to the tender care of the old companies. I know them pretty well. I have acted for a great many of them, and I have acted for new companies also, and I may dispassionately say, having acted as largely in the one capacity as in the other, that I am sure the interests of the public require that people should be at liberty to promote new schemes, and that the old companies should be prompted to give greater facilities to new schemes.

663. And that there should be a pressure put upon the old companies to buy them?—No, it is not so. That is an imputation which I think you should not make.

664. *Chairman.*] Then you are distinctly of opinion that the object of Parliament, in exacting the deposit, was simply to ensure the completion of the line?—That certainly is distinctly my opinion.

665. And that it had no simultaneous object in protecting proprietors or existing companies from opposition of an entirely speculative character?—I think not.

666. You stated that the mass of the lines are now made by contractors; are you not of opinion that in consequence of that, vast numbers of lines being simultaneously projected and depending for their construction upon the contractors, they must be made at a much greater expense than if those lines were protracted

protracted over a longer period, and made by capital arising as the exigencies of the case required?—It is very difficult to get a district to act together and raise the capital for its own accommodation. There are Honourable Members who are sitting before me here, who know that very well. They are connected with a district of country which requires railway accommodation. Then the question arises, who will make the railway? A country gentleman feels, "if I move prominently in it, I must pay down very large sums of capital to back it, and I shall be asked to be chairman or director, and thereby take a responsibility which is very disagreeable to me;" and ten to one he sits in his own house and regrets that the railway is not made, but does not enter into it. In other cases, gentlemen go into it. I am sorry to say, from my experience of gentlemen who have gone into it, that I believe, that whilst they went in with an expectation that they would put in 5,000 *l.* of capital, they have had to put down five times the amount they anticipated before the railway has been opened. The question then arises, Why is not a particular district accommodated? Parties at a distance, in London or elsewhere, say, "We will undertake the scheme; we can get a certain quantity of capital in London, if you can get a certain quantity of capital locally, and an arrangement is made with the country gentlemen of the neighbourhood." I have done it again and again. I should say, "Will you find one-third of the capital for this line? I will undertake to find the other two-thirds, and get the line made." They say, "Yes," and the bargain is made; the line is applied for, and ultimately constructed. In 1845 or 1846, if you projected a line, the public ran in immediately and took up shares, but the public will not look at a railway project now, as a general practice, at all. The country only gets additional railway accommodation by very great efforts and sacrifices on the part of the residents who inhabit the district. It appears to me, under those circumstances, that Parliament, instead of repressing or throwing difficulties in the way of the construction of railways, looking at the public benefit, should rather promote them than otherwise, and give facilities for them instead of restricting them.

667. With reference to the offer on the part of capitalists to provide two-thirds of the money, if the locality provide the other third, is not the effect this, that the locality provide the one-third in money, and the two-thirds is provided in what is called money's worth, which is shares issued to the contractor to a much greater amount of money value than the work represents; so that the subscribers of the one-third come in at a dead loss, whereas the subscribers of the two-thirds have taken great care in estimating their money's worth to save themselves?—Not exactly. It is very true that one-third is paid in cash; it is very true, perhaps, that another one-third is taken by shares at a discount of 5, 10, or 15 per cent., according to the circumstances of the case, and another third is borrowed money. That is precisely and distinctly the general state of the circumstances, and the manner in which railways are made. But there is no question about the fact, that with all the burden that is thrown on it by the discount at which the shares are placed by the contractors, the country benefits and the parties subscribing ultimately benefit.

668. Mr. *Tite.*] Do you think that the limit of the discount is 15 per cent.?—Not the extreme limit.

669. *Chairman.*] Is the one-third borrowed upon the original shares?—It is taken in original shares.

670. Colonel *Wilson Patten.*] From what you have stated to the Committee it appears that the deposit is a perfectly useless thing, and I imagine from your answers, that you consider that free trade in railways is what is desirable for this country?—I am by no means an advocate of free trade in railways.

671. Would you kindly explain to the Committee what limit you would put upon that?—First of all I think that Parliament is bound to take care that it has substantial security that the parties who ask for powers to make a railway shall make it; that security according to past experience is afforded by the 8 per cent. deposit. If you felt a doubt about the security, increase if you please, the amount of the deposit. I think that is one guard that should be made; in the next place free trade in railways which is advocated by some, would mean that wherever the capital shall be found, the railway shall be made; I think that that is a vicious principle; I think that there ought to be judgment exercised whether in the particular district for which a railway is asked, a railway is really wanted, and impartial parties such as a Select Committee of either or both Houses of Parliament, should pass their judgment

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upon it. But provided you get the security that the railway shall be made, and provided that the necessity for the railway, or the advantages of the railway are duly weighed by a Parliamentary Committee, I think that within those limits there should be every facility given for the construction of railways. When I speak of the necessity to have a railway for a neighbourhood, of course, I include the competition of old lines. When the old lines give adequate accommodation, of course it would not only be an injustice, but contrary to policy, to allow new lines to be made, discouraging future enterprise, and sacrificing capital whilst they bring in a competition against the old companies. But if you left the old companies without competition at all, the country would not get that accommodation in railways which it wants, and which, year by year, it is wanting more and more, and is making great efforts to attain, to my certain knowledge. As regards bringing parties into Parliament, I do not really think that that is a very expensive grievance. There may be individual cases of great grievance, but I do not think it is so extensive as to be a public grievance.

672. Taking your view of the case, that it is absolutely necessary to have a deposit as a security for the performance of the work, I will take the case of a Bill going before a Committee; that Committee commence the investigation of the case, and the first thing they discover upon investigating the case, is that the parties who have made the deposit are under an obligation to repay that deposit before the third reading of Bill?—You will pardon my saying that that is a mare's nest.

673. You are not aware that that has taken place?—Yes; the Honourable Chairman and I are both perfectly aware that that has taken place.

674. Will you show the Committee how it is a mare's nest?—You require that money shall be impounded for the construction of the railway, if you pass the Bill, that money is just as much impounded as any other.

675. That is only if the Bill is passed?—Yes; if I could get my mind into the same channel as that in which yours is running, I could elucidate it; but I am looking at it from one point of view, and you from another.

676. Of course, a Bill being before Parliament, and being read a second time by the House of Commons, it is supposed that the Bill is worthy of consideration, and confers a public benefit?—Certainly.

677. Parliament has got a deposit of 8 per cent. to show that there is a likelihood and prospect of its being carried out; but after it has been proved to be a public benefit, and desirable for the good of the country, the Committee discover that the deposit is not worth a straw, inasmuch as without reference to any other circumstances whatever, the parties are under a written obligation to return the money to the people who lent it. Has not, so far as that Bill is concerned, up to that period, the object of Parliament in so far passing that Bill, been defeated?—No, it seems to me, that I may explain my opinion in this way: supposing that the parties themselves who were promoting the Bill have paid in their own money, they are at perfect liberty to withdraw the Bill, either during the pendency of the inquiry, or after the conclusion of the inquiry, even in both Houses of Parliament, and there is no imposition by the Standing Orders upon them, requiring that they shall not withdraw the Bill. There is the money impounded, but they may take it out to-morrow; you have no more security that the money will remain there to-morrow, or that the Bill will be before the Committee to-morrow; if I have paid the money out of my own pocket, than if I have borrowed the money; the security is just the same. I knew what I was about in promoting the Bill in either case, and if the circumstances change in either case, I withdraw the Bill and take away the money.

678. Is not there this difference: that in the one case the money is there, without the obligation to return it, and in the other case it is there with a positive and direct obligation to return it?—No; you say that the party must pay the money out of his own funds. I promote a Bill; I pay in the money; I have borrowed it of a private friend, instead of borrowing it of a public friend; I do not see how that can make any difference in the conduct of the Bill, or in the *bona fides* of the promotion of the Bill.

679. Will you explain what is the positive advantage that Parliament gets by a deposit of 8 per cent. when there is a written obligation on the part of the parties promoting it not to let the Bill be passed until they have returned the money?—As I said, no party in his senses would promote a Bill without knowing that he has the means of repaying the money in deposit as a security for the

the making of the line; otherwise he incurs 5,000*l.*, 10,000*l.*, 15,000*l.*, or 20,000*l.* expense for nothing.

680. Will you point out the benefit of the deposit?—It is that when you pass a Bill without any inquiry there is a guarantee that the line shall be made.

681. Is not there this security to Parliament that no man in his senses will pass a Bill through Parliament at all unless he is reasonably certain of getting the works carried out?—There is this difference, I incur 10,000*l.* expense in promoting a Bill; if I have no deposit impounded I have incurred my expenses of 10,000*l.*, and I take my Bill and make the best of it. If I, besides incurring the 10,000*l.* expense in promoting the Bill, have got 8 per cent. upon the estimate impounded, which will be lost unless the railway is made, you have a solid security that the railway will be made; I have expended my 10,000*l.* in getting the Bill, but at the tail of that I have the 8 per cent. impounded for the making of the line; that is your security. You have no security during the progress of the Bill that the party shall not withdraw it. You have studiously, by the Standing Orders, allowed the party to withdraw it at any moment. The suitor withdraws his suit, and there is an end of it, therefore your deposit is no security during the pending of the Bill that he will carry it on; but the security is most complete if the Bill passes.

682. Is not there this difference, that in consequence of some of the powerful motives which influence human nature, that when you have got your money deposited in a transaction you have a greater interest in going on with the case than you have when you are under a positive obligation to return the money before the Bill is passed?—As I have said, there is no obligation upon you to go on with the Bill if your own money is deposited, but if the Bill passes there is the same obligation upon you, no matter whose money it was that was first deposited, because you are responsible for the money; you have to pay it back. Supposing that there was an obligation upon you to carry the Bill on to the third reading that objection would prevail.

683. *Chairman.*] Supposing your view of the case be the correct one, would not the object of Parliament have been as much attained by the deposit being lodged at the third reading of the Bill, as in January, that is, if the only object were to secure the completion of the works?—Quite so.

684. Why do you think that Parliament did enforce the necessity of making the deposit first?—Because in everything Parliament has required that the preliminaries shall be gone through before the Bill is taken up by the House; all the notices, plans, and sections, and everything done by the orders of Parliament, must be done before the House proceeds to sit upon the Bill.

685. In addition to all those requirements, this deposit was added, and if the object was only to secure the completion of the works upon the Bill passing, the deposit might just as well have been made at the third reading, whereas it is now made at an earlier stage?—If it be the intention of Parliament to make the deposit a guarantee that the Bill shall be gone on with, you must vary the Standing Orders; the Standing Orders do not contemplate that now; it is a mere question of expediency.

686. You stated that the country is determined to have railroads; how is that consistent with the statement that the railroads cannot be made, except by the intervention of parties who are total strangers to the district, both in feelings and in interest?—I think that you have mistaken the alternative; parties in the neighbourhood will come and ask for the railways, and will do their utmost to the extent of their own responsibility to contribute to the railways, but the parties will not find all the necessary capital to construct them. I do not know an instance of any Bill in which the leading parties in the neighbourhood have not readily joined in the promotion of a railway, but they have not found the capital to carry it out.

687. In your opinion, is it expedient for any purpose that Parliament should require security from the projectors of new railways?—I think, as I said before, that it is expedient that in every case when a Bill is passed, there should be substantial security that the line should be made; I think that is fair and necessary in the public interests.

688. Do you think that Parliament should not require security at the initiation of the scheme?—Yes; I think that they impose sufficient obligations upon the parties who promote the Bills, by the very heavy expenses of Parlia-

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ment, including the deposit, and that no further obligations are necessary in the public interest.

689. My question went to this point: are you of opinion that it is expedient that some security should be retained upon the introduction of railways to Parliament, or that it should be as it is now?—Certainly, I would keep all that exists; I think that you have now substantial security if the Bill passes that the line will be made. There is one thing that I would venture to suggest: it is the most absurd practice in the world to make the old companies pay a deposit; it is an utterly indefensible absurdity. You prohibit them in their Acts from paying it out of their capital, they are obliged to borrow it, you invariably give it them back; if the Bill passes you give it them back, and if it fails they take it back; therefore there is an obvious absurdity. I think that there might be a useful alteration by which no existing Company should have to pay a deposit at all upon the introduction of a Bill into Parliament.

690. With regard to new Companies, are you of opinion that the present system admits of no improvement?—I think that the present system is sufficiently secure, for the number of difficulties in promoting railways is sufficiently large now. If you wished to increase them I could suggest many effectual modes of doing so, but I think railways are being made as slowly now as you would wish them to be made.

691. Can you suggest any way by which *bonâ fide* and solid railways should not be impeded, whilst purely speculative railways should be checked?—If you were to require the railways to raise their capital before they applied for their Bill, there would be a substantive check upon the introduction of railways unless the capital is ready before they come to Parliament, but if you do that you will weed the Parliamentary applications for railways very considerably.

692. Do you think that we should weed them to an improper extent?—I think you would do so to an extent that would be prejudicial to the interests of the country.

693. Mr. *Tite.*] To what do you attribute the enormous flood of Railway speculation in the Metropolis this year, amounting to many millions?—It is perfectly intelligible; I think you attempted Railway legislation last year; it was all put off, and the moment it is put off there arises a natural and fair presumption that next year you are prepared to do it, and that next year you ought to do it. That being so, everybody is prompted in his own neighbourhood, in his own interest, to see whether he cannot devise a better system of railways than his neighbour. I think it is to those circumstances that you are indebted for the flood of Metropolitan railways entirely.

694. Not to any facility for borrowing money upon this new system?—The facility for borrowing money was just as great six years ago as it is now.

695. You do not think that the fact of the deposit being found by the Directors themselves was any check?—Not the least; I have borrowed money for the last 15 years for the deposits; even under the system of subscription, contract money was borrowed for deposits.

696. *Chairman.*] If I understand your suggestion rightly, it is this, that with regard to new railways, the present system requires no material alteration?—I think not.

697. And that with regard to old railways, it is unnecessary to enforce the deposit?—Quite so; I think that the old railways ought to have no impediment thrown in their way, but that every encouragement should be given them to extend their lines. The difficulty is to induce them to extend their lines for the accommodation of the country, but they are wonderfully alive when a rival scheme is thrown out through the country to object to that rival scheme. If you can get an old Railway Company to project a new branch now it is the greatest good fortune in the world; it is only the fear of new companies that induces them to do it.

698. Mr. *Sotheron Estcourt.*] Would you alter the amount of 8 per cent. for the deposit, or do you think that that is sufficient?—I think that that is quite sufficient to ensure what you want. I think it is very immaterial whether it is 6, 8, or 10 per cent., but I think 8 per cent. has served its purpose practically. I have not myself known a case where the money has been forfeited and the railway not made. I have heard of one case, and only one, where that has happened. But I am quite sure, from my knowledge of the country, and the representations which are made from different parts of the country, that if any material impediment were thrown in the way

way of promoting railway bills, it would be a very great disservice to the country and injury to the public. I had occasion last week to review the results of the establishment of the Great Northern Railway. At the time when that Bill was applied for I prepared the traffic tables, and amongst other proofs that I laid before the Committee, was a proof that the Great Northern Railway would save the public 1,500,000 *l.* a year. I reviewed that within the last 10 days, and found that instead of saving to the public a million and a half, it has saved to the public more than 3,000,000 *l.* a year. That is absolutely saved to the public, because they pay less for carriage and for articles that are carried to the extent of 3,000,000 *l.* a year than they paid before the Great Northern Railway was established. The effect of railways upon the country is to produce such an enormous saving as this, showing its fruits in the development of new sources of industry and new lines of industry. It results from the very fact that you save both in time and expense, and give the most distant place that happens to possess the facilities for manufacture of any kind, an opportunity of sending their manufactures to all parts of the world, or procuring from a distance the materials they want for their manufactures at a cheap price. The effect upon this country of the introduction of railways has been something marvellous. I look at the port of London, and there I find that, in the last 17 years, since railways have been introduced, the imports of London have more than doubled, and London has shot up beyond its competitors.

699. I understand you to say that you conceive the object and intention and use of the deposit to be, to give a security to the country that a Bill, when it is passed, shall be carried into execution?—Yes, and that alone.

700. You do not conceive that the deposit has anything to do with giving a security as to the character or solvency of the parties who undertake the work?—No, no security; but rather, I would say, a means by which you provide that the work shall be proceeded with.

701. Supposing it shall be assumed that the object of requiring the deposit was, that Parliament might be certain that any scheme was not a speculative scheme set up by mere adventurers, but was supported by persons competent to form an opinion, and persons who were likely themselves to be benefited by the undertaking when carried out; can you suggest any substitute which should give to Parliament some guarantee of the character of those who undertake the work, and do you think that such a substitute would be desirable?—I have no difficulty in suggesting that; if you wish the deposit to be a part of the future funds of the railway company, from the very moment it is deposited, you may do it by resuming the old subscription contract to the extent of the deposit; but I do not think, looking at the state of railway enterprise in this country, and considering how very much it is generally discredited by the capitalists of the country, that it is wise to throw impediments in the way of railway legislation at this moment.

702. Supposing the arrangement should be, that the deposit should never be resumed, but should be merged in the general share fund or list; do you think that that would be a good arrangement?—It would attain the object at which you aim; namely, that it shall be from the first, and shall continue onwards, to be a part of the capital of the company. You may do that; there will be no difficulty in doing it. If you wish really, according to the view of some Honourable Members, to treat the deposits as part of the permanent funds of the company, you have only to say that it shall be so from the first, and of course we shall all make it so; but it never has been so treated by the Standing Orders at present.

703. Do you think that such an alteration would be a good plan?—I do not think it is one that is necessary; but if any Honourable Member had a desire for it, there would be no very great objection to it. It would be to that extent a discouragement of railway enterprise; and my opinion is, that notwithstanding the number of Bills which have been applied for this Session, railway enterprise in this country rather needs to be encouraged than discouraged.

704. Such an arrangement would render it impossible to comply with the terms of the Act of Parliament by mere borrowing, would it not?—Certainly.

705. The deposit, whatever the amount might be, must necessarily be the *bonâ fide* property of the persons who deposit it?—Certainly.

706. Inasmuch as they would never be likely to get it back again, except in the shape of a contribution in shares towards the undertaking?—No; the form

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in which it would be put would be this; that the promoters should show to the Committee that they had shares subscribed in the undertaking upon which the deposit was made, equal to the eight per cent. required by the Standing Orders; that is the form it would take.

707. Do you think that, upon the whole, it would be a good alteration or a bad one?—I think a bad one, judging between the two.

708. You prefer the present plan, do you?—I do; I am quite sure, and I think very few people have the same means of knowing the internal working of railway enterprise in this country as I have; that the country is now rather disabled from promoting railways than over enabled to make them. There are certain fights between large companies which occur occasionally, in which there are large schemes involved; but, generally speaking, the capitalists will not look at railways, and the gentlemen who have to promote them for their own neighbourhoods find great difficulty in doing it. I know a case where a nobleman wants a railway, and is willing to put down 20,000 *l.* towards it, but he cannot get it; nobody will look at it.

709. Lord *Hotham.*] Might not that be a case where a railway is not wanted?—It is very much wanted; but the difficulty is to make it.

710. Mr. *Brown Westhead.*] You seem to think that the only hope of the further construction of railways is by Parliament allowing the contractors to carry on the system which has prevailed for a long time, of providing a large portion of the capital and taking the contracts for the work?—Yes, that is the only way to get the railways constructed; if you were to exclude that operation you would not get any railways at all constructed now. Those men have large capital, which they put into one railway and make it, and then they get their money out again and put it into another railway, and so they trade in railway capital advantageously to the public, and beneficially to themselves; that is the process. All that Parliament has to consider, it seems to me, is, that when you have passed a Bill, it will be carried into execution; but you ought not to restrict the parties in applying for it.

711. *Chairman.*] I think, in the evidence which you gave before the Committee on Private Bill Legislation, you expressed an opinion that railways might be made at the rate of 5,000 *l.* a mile?—Or something like that.

712. I believe they seldom are made at that rate; would not that be a proof that the speculative system of promoting railways which now exists throws the projection into the hands of the contractors, so that the railways are never made for that sum?—The difficulty is, that you have to bring fresh capital into each neighbourhood to make the railway; if parties in the neighbourhood would put down their capital, the line would be made very economically; but you must find somebody to bring the capital, and you must pay him for bringing it; that, no doubt, enhances the cost on railways; but you will not cure that by stopping railways.

713. Is not there a distinction between stopping railways and spreading them over a rather longer period; for instance, must not a greater number of railways, being made simultaneously, diminish the competition between the contractors, and throw the railways into the hands of particular parties more than would otherwise be the case?—Yes; in certain states of the money market you cannot get the railways made. You have some years in which you can get them made, and then you have four or five years in which you cannot get the railways made at all. We are spending from 12,000,000 *l.* to 20,000,000 *l.* annually in railways, and that is a beneficial investment. I think it is not at all otherwise than beneficial to the country generally.

714. Will you put in the return you have referred to, showing the number of miles of railway applied for in the last 11 years by old and new companies?—Yes.—*(The same was handed in.)*

Vide Appendix.

715. You are sure that it is accurate?—Yes.

716. Lord *Hotham.*] Is not it very unusual to get a railway made now at as low a price as 5,000 *l.* a mile?—Very; it can only be made upon perfectly level country. I have two lines, of the extent of about 10 miles each, the price of which is 5,000 *l.* a mile.

717. That is for a single line, I suppose?—A single line.

Lunæ, 30° *die Maii*, 1864.

MEMBERS PRESENT:

Mr. Crawford.	Mr. Massey.
Mr. Edward Egerton.	Colonel Wilson Patten.
Mr. Sotheron Estcourt.	Mr. Scourfield.
Colonel French.	Mr. Selwyn.
Lord Hotham.	Mr. Tite.

JOHN HENRY SCOURFIELD, Esq., IN THE CHAIR.

Samuel Carter, Esq., called in; and Examined.

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718. *Chairman.*] ARE you the Solicitor of the Midland Railway Company?—I am.

719. How many years have you been connected with that company?—Since the year 1835.

720. Were you ever connected with any other railway company?—Only with one other; that is, the London and North-Western Railway Company. I was solicitor first to the London and Birmingham, and afterwards to the London and North-Western, from 1830 to 1861. I was solicitor to the Midland and to the North-Western Companies concurrently, for many years.

721. You are, of course, aware of the object of this Committee?—I am.

722. I believe you were the solicitor on the occasion of the sitting of the Committee on the Bill of the Sheffield, Chesterfield, and Staffordshire Railway?—I was, acting for the Midland Company. A branch was proposed by the Midland Company to extend from the town of Sheffield to the town of Chesterfield.

723. Was not it for the first time in the discussion of that Bill before the Committee that an objection was formally taken with regard to the *bonâ fide* nature of the deposits?—So far as I am aware it was the first time.

724. Can you state what gave rise to the taking of that objection on that occasion?—Yes, it was on my advice that the objection was taken. I perceived, when our Bill had been deposited, that a rival Bill was deposited for a line, pretty much in the same direction, from Sheffield to Chesterfield, with a branch also into Staffordshire, and I had reason to believe, from the reports in the Sheffield papers, and from other sources of information, that that rival Bill was promoted by parties who were not formed into any association or company, and who had no subscription contract to any extent, and that it was, in fact, limited to a few individuals. That caused me to make inquiries, and I had sufficient reason to believe that the deposit, which was 120,000 *l.*, could not have been found by the promoters of the Bill out of their own proper monies; and as I was aware that a custom had existed for some years of borrowing deposits, I felt no doubt that that deposit had been borrowed in some way or other, and subject to some conditions, to make it a safe transaction for the lenders; but that it was not, in fact, the proper monies of the subscribers, and, therefore, as we believed, not deposited in accordance with the intentions of Parliament in making the Standing Order. I therefore advised the Midland Company to take that objection in their petition against the Staffordshire Bill, which came before the Honourable Chairman of this Committee.

725. It is almost needless to ask you whether you consider that the deposit was intended by Parliament to be a part of the capital of the company?—I think there can be no doubt about it.

726. On what grounds do you found that opinion?—In the first place it is impossible to conceive that any persons but those who are subscribers to the undertaking would allow their money to be permanently impounded for the purposes of the undertaking. The original practice was, that subscribers to the undertaking paid up a certain amount upon their shares, and that amount

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was dealt with by the directors, who had charge of the affair, in paying the expenses of getting up the plans and the necessary preliminaries for Parliament, and it formed the means by which they paid their way as they went on. But, from the very supposition of the thing, it must be the money of the subscribers to the undertaking. The Act of Parliament, under which the deposit is made, is an Act to authorise deposits "by subscribers;" "an Act to amend an Act of the second year," and so on, "for providing for the custody of certain monies paid, in pursuance of the Standing Orders of either House of Parliament, by subscribers to works or undertakings." All through the same Act the same expression occurs. In the second section it says, "and be it enacted, that in all cases in which any sum of money is required by any Standing Order of either House of Parliament, either now in force, or hereafter to be in force, to be deposited by the subscribers to any work," and so on.

727. Mr. *Edward Egerton.*] What is that Act which you are quoting from?—It is the 9 & 10 Vict. c. 20, and it says that an application may be made to "one of the clerks in the office of the clerk of the Parliaments with respect to any such money"; that is the money of the subscribers "required by any Standing Order of the Lords Spiritual and Temporal in Parliament assembled, or to one of the clerks of the Private Bill Office of the House of Commons, with respect to any such money required by any Standing Order of the Commons in Parliament assembled to be deposited;" still keeping up the allusion to the money being the money of the subscribers. And it says that the application may be made by the "director or person, directors or persons having the management of any such proposed work or undertaking"; those persons of course representing the subscribers. It is impossible to read this Act without perceiving, what indeed must be palpable in itself, that the money must be the money of persons who are subscribers to the undertaking, and who are prepared to let their money abide the event of the Bill, whether it shall pass, or be rejected.

728. *Chairman.*] Will you state shortly the history of the deposit system, so far as you are acquainted with it?—The first instance, I believe, in which any deposit was ordered was in the year 1837, when the Report of the Committee, of which Mr. Warburton was the chairman, was adopted by the House; and Mr. Powlett Thomson, in recommending that Report for adoption by the House, used these expressions: he stated the objects of the Standing Order then proposed, and said, "That before parties seeking to obtain such Bills (that is, Railway Bills) should be allowed to proceed, proof should be afforded that a sum equal to 10 per cent. on the capital should be subscribed and deposited in the Bank of England, as a security to the House and to the public against speculation, and to show that the undertaking was *bonâ fide* to be carried into execution." That Report was adopted, and that was the commencement, I believe, of the deposit which was first required; that deposit was not impounded as a security for the execution of the works; the impounding was a subsequent proceeding, and took place at some period afterwards.

729. Colonel *Wilson Patten.*] There was no other step taken at that period beside the deposit, the object having been stated by Mr. Powlett Thomson; no security was taken for the execution of the works?—No; except that the subscription contract was in force then, by which parties were to become bound to a certain extent, and to be liable for their shares, and so on; but, on the same occasion, I perceive, and I think it bears rather upon the question, that Mr. Warburton's Report suggested, that, before a petition for a Bill was presented to the House, a certain per-centage of the capital should be paid up. That of course was conclusive as to what was in the mind of the House when they adopted that Report. The deposit so paid was to be a portion of the capital: it must, therefore, of course have been a deposit which was found by the subscribers to the undertaking. From this, I think it is clear that the deposit was always intended to be paid by the subscribers, and, of course, as a part of the capital which they undertook to find.

730. You remember the period when that system was varied with respect to the deposit being impounded?—I believe the impounding took place in the year 1853, in consequence of a recommendation made by Mr. Cardwell's Committee; but I am not quite positive upon that point.

731. It was, I believe, in consequence of the Fourth Report of Mr. Cardwell's Committee of 1853 that a clause was ordered to be inserted in every Bill, impounding

impounding the deposit for the purpose of securing the completion of the line?—Yes, I believe it was in consequence of that Report; and that clause is now a part of the Standing Orders, and is put into every Bill for a new undertaking accordingly.

732. *Chairman.*] Is it your construction of that order, that the application of the deposit to securing the construction of the works was merely to further utilise the deposit, but not to take away from it its original object of being also a security for the *bonâ fide* nature and character of the undertaking?—That is my understanding of it, certainly.

733. That the impounding was only an addition, but not a substitution of the original object?—Quite so. The fact of the deposit being required to be made before the petition is presented, or, now even earlier than that, before Parliament meets, before the 15th of January, shows that there must be some object quite different from that of securing the execution of the works; for the impounding does not take place till the Act is passed. A Standing Order, requiring that a deposit should be made, to a certain amount, at any period before the third reading in the House of Lords, would answer the object, in case it were merely to secure the completion of the works.

734. Colonel *Wilson Patten.*] The providing the deposit is often a great inconvenience to the parties, is it not?—Yes, undoubtedly.

735. It puts them to a great deal of trouble and expense?—Yes, if it is actually paid.

736. Do you think that Parliament could have had any possible object in requiring a deposit at a time so long previous to the third reading, if the only object of having a deposit at all was to secure the completion of the works?—I cannot conceive that it can be stated more clearly than it was stated by Mr. Powlett Thomson, "that, before parties seeking to obtain such Bill should be allowed to proceed, proof should be afforded that a sum equal to 10 per cent. on the capital should have been subscribed and deposited in the Bank of England as a security to the House and to the public against speculation, and to shew that the undertaking was *bonâ fide* to be carried into execution." The security against speculation, of course, must be given at the commencement of the proceedings. For instance, I may illustrate what I mean by this; almost every Bill contains this clause in the preamble: "And whereas the several persons in that behalf, in this Act named, with others, are willing, at their own expense, to execute the undertaking;" and then it goes on to say that the persons named, and all other persons or corporations who have already subscribed, or shall hereafter subscribe, shall be a body corporate. That proves that there is supposed to be a body of persons in existence who desire to be embodied into a corporation to carry on the undertaking. It is perfectly inconsistent with those words that, at that time, there should be no shareholders, and no body of persons desiring to undertake the work. The expression is, that the several persons named, with others not named, are willing to undertake it. Before that preamble can be proved to be true, it must be proved, or assumed, that there is a certain substantial body of persons who will satisfy this proposition of Mr. Powlett Thomson, and that it is not a mere speculative affair, set on foot by two or three individuals.

737. *Chairman.*] Would it be your opinion that, if the object of the deposit was solely to secure the completion of the works, the impounding of that deposit some months before the works could be executed, would be so much loss of money from the funds disposable for the completion of the works?—There would be no motive for it.

738. And there would be a loss of capital, would not there?—Yes.

739. Colonel *French.*] I understand you to say that you are solicitor to the Midland Railway Company?—I am.

740. Have you had any experience, as solicitor to the Midland Railway Company, upon this subject of deposits?—The Honourable Member is aware that the subject of deposits in regard to new undertakings stands upon a totally different footing from that of deposits in regard to existing companies. With regard to existing companies, whether a Bill is rejected or passed, in either case the money is returned to the persons who have deposited it, and, therefore, the deposit is purely a useless formality. The security, taken from existing companies for the execution of works, consists in a penalty of 50 *l.* a day if those works are not complete, instead of a suspension of the dividends, which

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was formerly required to take place. I may say that I have had experience of deposits.

741. You have only had experience as solicitor to an existing company?—That is all.

742. I gather that the only experience with respect to deposits, in the case of new companies that you have had is, in the case of the Bill before the Committee which has been reported upon?—Pardon me; I have had a good deal of experience of deposits in the case of new companies, but not as solicitor for them.

743. Did I rightly understand you to say that that was the first time you heard of deposits being borrowed?—No, not the first time I heard of deposits being borrowed: it was the first time that I have known an objection formally taken in a Committee upon a petition; but in the petition I drew up I stated that it was notorious that this practice had existed.

744. The practice of borrowing?—Yes; it was notorious that the practice had existed of borrowing the money for a limited period, and upon terms which gave the persons who lent it virtually the control of the Bill; we were advised that this practice was at variance with the intention of Parliament, we therefore desired to have the question raised before a Committee.

745. Your objection was taken in the natural course of opposition, in order to get rid of a rival company, was it not?—Yes, of course; we thought we could supply the district better than the rival company; we thought, also, that before the rival company should contend with us for the supply of that district, they were bound to conform to the regulations of Parliament, and to prove their scheme to be a *bonâ fide* scheme, and not a mere speculative undertaking.

746. You having been solicitor to the London and Birmingham Company, I need not ask you any questions with reference to your experience of deposits, because there were no deposits until seven years after you were connected with that Company; namely, until 1837?—I did not cease to be connected with the Company then; when they became amalgamated with the two other companies, and became the London and North Western, I remained their solicitor, and continued so until 1861.

747. You have given evidence as to your opinion upon the reading of an Act of Parliament; what is the Act you have referred to?—The 9 & 10 Vict. c. 20.

748. You are aware that that Act was passed in the year 1846?—Yes.

749. At the time when the Act was passed, the subscription list was in force, was it not?—It was.

750. That subscription list having been abolished in 1857 or 1858, how can you come to the conclusion that the words that relate to a system which has been abolished are still in force?—The Honourable Member said that the subscription list was abolished. That is hardly the case. The Standing Order which required proof to be given of a subscription contract in a particular form, and to a particular amount, was rescinded; but the subscription contract is not abolished: in fact, it exists at the present day. Every day, in Committees, contracts are produced, signed to a greater or less extent; and in proportion to the extent to which they are signed, the parties expect to have their *bonâ fides* established. Every Act of Parliament that is passed alludes to a subscription contract, and says, that the persons who have subscribed, or who shall subscribe, to the undertaking, shall form a company. All that is altered is the Standing Order, which required the proof of a particular amount of subscription to be laid before the Committee before the Act should pass; that has been abandoned, but the subscription contract still remains.

751. You mean the subscription list, do you not?—That is the subscription contract.

752. They were two different things, were they not?—In the origin they were two different things; but of late years they have almost universally merged into one, which is called the subscription contract; and whatever remains now, and is referred to in every Act, is the subscription contract; that is the instrument by which the parties pledge themselves to take so many shares in the undertaking.

753. Can you give any instance where public inconvenience has arisen, or where the security to the public for the execution of the work has been lessened, by allowing the deposit to be lodged in money borrowed, in place of being, as you think it should be, money already collected from the subscribers?—Perhaps

—Perhaps you would allow me, when you speak of money borrowed, to say that I cannot conceive that money borrowed is, in any possible way, money found under the meaning of this Act of Parliament; money borrowed with the condition that it shall not be used, and upon an agreement by which it cannot by any possibility be used, for the purpose of the Standing Order, that is to say, to be impounded in case the Bill passes, cannot be money referred to under this Act of Parliament. When money is borrowed from the trustees of a fire office, which is in reality trust money, with the condition that it shall not be used for the purpose of this Standing Order, but be replaced before the Bill is passed, it is impossible to consider money borrowed, with that condition, as being within the meaning of the Act of Parliament. The case of money borrowed, without any condition, is different, of course. Upon this point I have the strongest opinion.

754. The main part of my question was whether you knew of any inconvenience having arisen from the deposit being lodged in borrowed money, it being afterwards impounded in either case?—You will perceive that the borrowed money never gets impounded; the essence of the borrowing system is, that the money shall not be impounded.

755. It is impounded if the Act passes, is it not?—Never: what is impounded is another sum of money which is found at a subsequent period; the borrowed money is not impounded, and never can be, by the terms of its loan. The trustees of a fire office know too well their duty to let the money which they lend be impounded in the Court of Chancery; they lend the money readily enough, because they get an assurance that it shall never be impounded; what is impounded is a sum of money subsequently procured, not as a loan, which is easily enough done, but as a permanent investment.

756. No money is impounded but the money originally placed under the control of the Accountant General?—In one sense that is so; but the Honourable Member will forgive my saying that, in another and the real sense, that is not so; it is merely colourable; the moment the subsequent sum is found, and the original lenders are paid off, that money which was theirs until that moment, ceases to be theirs, and they become simply trustees for the promoters of the undertaking; the money which was originally lent never is impounded.

757. Colonel *Wilson Patten.*] Is it not part of the obligation that the money lent, for instance, by an insurance company is paid in by them, not by the promoters of the railway, and must be paid back to them under the agreement they have entered into with the promoters?—Undoubtedly.

758. Colonel *French.*] That takes place under a separate agreement with them; but, according to the Act, that money is impounded if the Bill passes, be it borrowed money, or be it the money of the subscribers?—Not the same money, with the rights which belong to it when it is deposited; that money changes its character; the money, up to the time of the finding of the second sum, which is the real deposit, is a mere colourable deposit. It becomes a real deposit only when the second sum is found, and although in point of form it is the same, in point of ownership and quality it is different; it is no longer borrowed money; therefore, I am justified in repeating that I think that the money borrowed is never impounded, for when the amount is repaid it ceases to be borrowed. Although the stock remains in the same names, it is a mere form, and the lenders are trustees for the promoters of the undertaking from the moment that they are paid off.

759. Cannot that money be got out by bonds for double the amount being given, and the money handed back to the lenders?—That is the Standing Order, but I have never myself known an instance of those bonds being given; I have heard that they have been given, and I suppose it is so, but I have never myself known an instance of it. The giving of such a bond to the Crown is the most grave responsibility that a person can well undertake, because he can sell no landed estates from that moment without having them liable for any debt to the Crown.

760. You have been giving evidence as to the circumstances upon which the money is borrowed; have you any personal knowledge of any circumstances of the kind?—My knowledge is derived from the investigation which took place in the Committee upon the Sheffield, Chesterfield, and Staffordshire Bill, over which the Honourable Chairman presided; before that Committee the

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gentleman who had lent the money was summoned by a Speaker's order, and stated frankly the conditions under which he had lent it. The result was, that the Committee presented a Report to the House, which was referred to the Standing Orders' Committee, who have reported upon it; my knowledge is mainly derived from the evidence given upon that occasion. The agreement upon which the money was borrowed was produced, and is printed in the evidence, and the undertaking given by the solicitor for the Bill, when he became responsible for the money, was also given in evidence, and there can be no doubt whatever, in the mind of anybody who heard, or has read that evidence, what were the circumstances under which that money was lent.

Henry Mayne, Esq., called in; and further Examined.

H. Mayne, Esq.

761. *Chairman.*] I THINK you stated that you had taken the opinion of Mr. Welsby as to what had taken place upon the Sheffield, Chesterfield, and Staffordshire Railway Bill?—Yes; I stated that I had taken the opinion of Mr. Welsby, because I felt chagrined at the Report of the Select Committee on Standing Orders. Believing that our construction of the Act was right, I took Mr. Welsby's opinion to see whether that was the case.

762. Have you any further statement to make in reference to that?—I would only say, that if I had not forgotten it, I should, on the former occasion, have tendered Mr. Welsby's opinion to the Committee, and that it occurred to me, since my examination on Monday last, that, as Mr. Welsby's opinion had been so often referred to, both in my evidence and Mr. Gibbons' evidence, and in the other evidence submitted to this Committee, it would be only proper that I should come to the Committee this morning and lay the opinion of Mr. Welsby before the Committee.

763. Have you any application to make to the Committee?—I should be glad to be allowed to put this opinion in, and if the Committee should not think it improper to print it in the Appendix to their Report, I should be glad that it should be so printed in the Appendix.

764. Mr. *Massey.*] Is that your application?—That is my application; I hope I may not be supposed in the least to press it upon the Committee; if the Committee think that the opinion of counsel taken in this way ought not to appear in their Proceedings or Appendix, I would not press it upon the Committee to do anything which they think ought not to be done, merely because I ask them to do it.

765. Colonel *Wilson Patten.*] You tender that opinion as a justification of the course which you took?—I think I ought to have tendered it at the time when I was giving my evidence upon it; but I am not in the habit of giving evidence before Parliamentary Committees, and therefore I omitted to do so.

766. Mr. *Massey.*] What is the date of the case that you submitted to Mr. Welsby?—The 16th April 1864.

767. What is the date of the Report of the Sheffield, Chesterfield, and Staffordshire Committee?—The Report of the Committee on Standing Orders on the Sheffield, Chesterfield, and Staffordshire Bill was on the 18th of March; then the Easter recess intervened, and I did not see the Report of the Standing Orders' Committee until after the Easter recess.

768. Have you, in point of fact, ever acted upon that opinion of Mr. Welsby since you took it?—Never.

769. When you altered the practice with regard to deposits, you did not do so under the advice of counsel?—Not by any means; I think I stated in my evidence on Monday last the circumstances under which we acted.

770. Colonel *French.*] The House was not sitting at the time when the application was made, was it?—No.

771. I think you stated before that it is not the custom for you to consult anybody upon any difference of opinion that may occur under similar circumstances as these?—I will refer to my evidence and see what I did state exactly; I know I stated that it was during the recess, and when there was no one here but ourselves.

772. *Chairman.*] You make an application that Mr. Welsby's opinion should be printed in the Appendix?—Yes; and one of my reasons for making this application is this, that whatever may be the practice which this Committee recommend

recommend to be adopted in future, I think this opinion of Mr. Welsby's having been given, is a strong argument that the Act should be altered, if we are to alter our practice.

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Samuel Carter, Esq., called in; and further Examined.

S. Carter, Esq.

773. *Chairman.*] ARE there any suggestions which you wish to make with regard to the improvement of the present system?—I wish to make an addition to an answer which I gave to the question of an Honourable and gallant Member with regard to the motives which induced the Midland Company to oppose this rival line from Chesterfield to Sheffield. No doubt it was their duty to inquire into all the rival lines proposed in the country which they desired to occupy themselves; but in addition to promoting a rival line, the Sheffield, Chesterfield, and Staffordshire Company took the most extensive powers over the whole Midland system, and demanded rights of the most serious and important character over it. Therefore, the Midland Railway Company thought it quite fair and reasonable that before those gentlemen applied to the Committee to sanction their demands, the Midland Company should inquire whether they were an existing association of gentlemen formed for the purpose, who had duly complied with the regulations of Parliament, and that it was not merely an adventure of two or three individuals who sought for those extensive powers over the whole of our railway; I am not for a moment denying that our object was that, if they should be found not to have complied with those regulations, their Bill should not receive the sanction of Parliament. With regard to suggestions for the future, upon the point of deposit, the only suggestion that occurs to me is, that the deposit should be paid in, not in the names of strangers to the undertaking, but, following the words of the Act of Parliament, in the names "of the directors or persons having the management of the undertaking;" the practice of which we complain would probably be, in some measure, stopped if the payment was not allowed to be made in the names of strangers to the undertaking, but was compelled to be made in the names of the directors or persons having the management of the undertaking. At the present moment the signatures to the requisition made to the clerk of the Private Bill Office, for the warrant to the Accountant General, are certified by the solicitors to the Bill. In the case of the Sheffield, Chesterfield, and Staffordshire Railway the solicitors say, that the requisition is signed by John Brown and Henry Wilkinson: they go on to say, "We do hereby certify that the above-named John Brown and Henry Wilkinson are known to us as two of the directors of the Sheffield, Chesterfield, and Staffordshire Railway"; that is signed by the solicitors to the Bill.

774. Colonel *Wilson Patten.*] You are quoting from evidence given before he Sheffield, Chesterfield, and Staffordshire Railway Committee?—Yes. A similar certificate as to the character of the parties in whose names the deposit is paid, not those signing the requisitions only, but those making the deposits, would, to a certain extent, meet the practice of which we complan.

775. *Chairman.*] Then your only suggestion is a strict compliance with what you believe to be the existing Act of Parliament; you suggest no improvement upon the present system, as established by Act of Parliament?—Exactly.

776. Colonel *French.*] Would you explain how a substitution of the names of directors for those of third parties can add to the security for the execution of the works?—Now, the parties who lend money have only one risk to guard against, that is, the risk of the Bill passing and receiving the Royal assent, and their loan not being repaid. They guard against that risk by taking the personal obligation of the solicitor for the Bill that he will repay that money before the Bill passes into a law, and if he does not he is personally answerable. Therefore, they have a very strong hold upon him to repay it, or withdraw the Bill. Beyond that, they take this further precaution: they say, "Perhaps the directors will not let you withdraw the Bill; they will insist upon its going on whether you wish it or not, and therefore we must have from the directors a document in the nature of an act of renunciation, or abdication;" and the directors all sign that document for the satisfaction of the lenders of the money, and, consequently, from that moment, the solicitor having what is called the conduct of the Bill, and the directors engaging thenceforth not to interfere with it, it

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is to all intents and purposes the control of the Bill which is given to the solicitor. Fortified in that way, the lenders think they run no risk of having the Act passed without the loan being repaid. If the Act does not pass, the thing is at an end, because the money standing in the names of the lenders, nobody else can get it out. If the money or stock stood in the names of the borrowers, the lenders would have a second risk to guard against, namely, that some impediment might be raised, if the Bill failed, to its being taken out again; in that way it would be more difficult to provide money which should not be the money of subscribers, if that requirement were made.

777. Colonel *French.*] The money does not stand in the names of the parties, but in the name of the Accountant General?—Yes, but the Act provides that in case of the Bill not passing, it shall not be got out by any parties but those in whose names it has been paid in, *ex parte* the undertaking in question. Therefore it does stand in their names, if you will forgive my saying so.

778. But under the control of the Accountant General?—Yes; but after the Bill fails nobody but those whose names are mentioned in the order can get it out.

779. In the event of the Bill passing, it remains there?—It remains there in that case.

780. You may fairly assume in common sense that the lenders have solvent security to be repaid the money they have lent, may you not?—I cannot say that they have solvent security in the ordinary sense of the word; they have a sufficient assurance that before the Act can pass they will be repaid; they do not contemplate, indeed one of the lenders in this case said that he never did contemplate, that their money can be made answerable for the purpose of the Bill. The lender to whom I refer said distinctly, when the question was put to him, "Certainly not;" of course as it was trust money, that could never have entered their minds. Therefore the security of lenders is sufficient if they are satisfied that the Bill will not be read a third time without their having their money back. But in one case the promoters of a Bill borrowed money under a similar arrangement and forgot to pay it back, and the money is there now. I refer to the well-known case of the Stafford and Uttoxeter. There the money was borrowed from a bank, and somehow the promoters forgot to pay the money back, and it is now in the Court of Chancery. The lenders threaten to file a bill against the borrowers, who had said that they would repay it before the Bill passed, but forgot to do so.

781. Do you know yourself what private security those lenders had?—I speak from the evidence given in my hearing in this case; they had no security whatever, except the undertaking of the solicitors to the Bill, which I will read to you.

782. They had nothing but the undertaking of the solicitors to the Bill, you say; are you sure of that?—I was going to add, coupled with the engagement of the directors, that the solicitors of the Bill should remain in the undisturbed conduct of the Bill during its passage through both Houses.

783. Had they not taken bonds from the directors?—No, none whatever; they lent 120,000 *l.* trust-money, solely upon the undertaking of the solicitors to the Bill, that that should be repaid before the Bill received the Royal Assent, coupled with an engagement, upon the part of the directors, that the solicitors to the Bill should remain in the undisturbed control of it for that time.

784. Mr. *Crawford.*] When you have used the word directors you have used it only as a conventional term; there is no company constituted?—I mean the promoters of the Bill.

785. Colonel *Wilson Patten.*] Supposing that the object of Parliament, in requiring the deposit, was simply to have a guarantee of the property and stability of the persons applying for the Act, a deposit under the circumstances which you have just related, with an obligation to pay the money back before the third reading, was no test whatever of the property or stability of the parties, was it?—Not the slightest.

786. It was merely a test of their honesty and respectability?—I do not consider that it was any test.

787. They would not have had the money lent them, unless the lenders believed that they were honest, and would return it?—They knew very well that an eminent solicitor having undertaken to repay the money before the passing

passing of the Bill, would be quite certain to withdraw the Bill, unless the money was returned, rather than ruin himself in his profession.

788. Supposing then that the object of Parliament, in requiring a deposit, was to secure the execution of the work, there is no security in such a deposit as that, because the money must be refunded to the parties before the Third Reading?—Quite so; because, unless an equivalent sum is found, not as a loan, but as a permanent investment, and used for repaying the persons who had made the loan up to that moment, there is no security whatever.

789. Whatever the object of Parliament might be, whether it were to have a security of the substantial character of the parties, or of the completion of the work, under the system which you have described, both objects have been frustrated?—I believe so.

790. Colonel *French*.] Have you known an instance where a Bill, having passed the second reading, in the last House of Parliament, was withdrawn?—I have not; I have not myself been concerned for any new companies. I am not myself aware of the facts; the Journals of the House will show them.

791. Mr. *Sotheron Estcourt*.] Do you think it would be a desirable thing that the deposits should be impounded, and not be capable of being withdrawn, but should become part of the capital of the company?—It is so now, with the exception that a bond can be given, but that is after the Act has passed; that bond cannot be given until after the Act is passed. Now that deposit cannot be withdrawn until half of the capital has been expended, or until bonds have been given to the Crown.

792. Do you think it would be a good thing that, instead of the deposit, a certain portion of the shares should be taken to the same proportion of the total capital, and that that should take the place of the deposit?—That would be reverting to the old system of the contract deed. The system of the contract deed, in fact, still exists. I know of no undertaking originated at the present day in which there is not some contract deed; it is true that the Standing Orders do not require that it should be proved to any particular amount before the Committee on the Bill, but the contract deed of course should be always the foundation of any company. Whether it would be right to revert to the ancient system of requiring proof that that deed has been executed to a certain amount, and that the deposits to a certain amount have been paid up upon it, as being better than the present system of deposits, I am hardly prepared to offer an opinion. But I wish to observe that the whole of that matter is really within the power of Committees at present, because when the proof of the subscription contract was abandoned, Standing Order, No. 143, was passed, by which Committees on Railway Bills are to "direct their attention especially to the following heads of inquiry, and shall require evidence from the promoters thereon, namely: the financial arrangements made or proposed by the company formed for the execution of the railway; the number and amount of shares actually subscribed or agreed to be taken." Presuming therefore that that inquiry still goes on, in accordance with the words of the order as to the "amount of share capital and of loans proposed to be authorised, and the sufficiency of the estimate of the works," under that Standing Order, if the Committees choose, they have ample power to do what they like to satisfy themselves that there is a contract deed executed to an amount that they think reasonable under the circumstances. They have in truth, under that Standing Order, power, if they choose to exercise it, to deal in any manner that they think fit with this subject. I am quite aware that, in practice, the Order has been very much put aside. The subject is not a very agreeable one, and there has been a good deal of inquiry in former times into the subscription contract which was not very satisfactory. I believe, in practice, the Committees disregard the Standing Order very much.

793. Colonel *French*.] It is still in existence, but it has been allowed to fall into abeyance?—Yes, that is so; but under this clause in the preamble, that "the several persons in that behalf in this Act named with others, are willing, at their own expense, to execute the undertaking," I presume that any opponent of the Bill might fairly raise any question which the Committee would deal with upon this point. Before that preamble can be proved to be true, all those matters ought to be inquired into.

794. Mr. *Sotheron Estcourt*.] With regard to the future; among the remedies for what is allowed to be at present a defect in our system, I think I understood you to recommend that the deposit system should be done away with, as being perfectly inoperative?—No.

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795. What remedy would you suggest, besides the one you have mentioned, with respect to the directors paying in the money themselves?—With regard to the deposit system, I would venture to suggest that, if it was continued, the intention of the Act should be observed by putting a stop to the deposit being made in the names of persons, strangers to the undertaking. With regard to reverting to the old practice of requiring that a certain amount of subscription contract should be proved either before the Standing Orders Committee, or the Committee on the Bill, I am not prepared to give an opinion. With regard to old companies, the subscription contract does not apply; and they, of course, could not perform that operation. Take the case of the Midland Company, whose shares are at 33 *l.* premium; any new shares would have to be issued to the old shareholders *pro rata* after the Act was passed; the security must be obtained differently.

796. Your answer is that you think that the only improvement you can suggest is that the deposits shall be made by the promoters, or by those who eventually will be the directors, and by none else?—That would very much tend to obviate the evil of which we have complained in the case alluded to. With regard to the other object, the Committee have power, if they choose to exercise it, under this Standing Order, to meet any evil they think to exist for want of *bona fides* in the undertaking.

797. Colonel *Wilson Patten.*] Supposing you made the alteration in the way you suggest, would it not be possible still for the directors of a railway company to borrow the money, and privately to enter into the same arrangements which have been apparently entered into by those parties?—No doubt it would. I am not aware of any mode by which you can effectually stop the ingenious devices of gentlemen who have, or can procure, plenty of money, by means of making those arrangements, but it would place an additional difficulty in the way of their doing so; and, on the other hand, the opponents of the Bill or the Committee where there are no opponents, might still, if they thought fit, institute inquiries into the way in which the subscription was made, because, if the system of agreements goes on, by which the control passes from the promoters to the agents of the Bill, the opponents can still bring forward that subject before the Committee if they think fit.

798. Mr. *Sotheron Estcourt.*] The evil for which you suggest this as the remedy, is the passing of the control of the Bill from the real promoters of the Bill to the agent, who lends his name merely for the purpose of raising the money?—We think that a great evil; we find ourselves obliged to deal every Session with a number of schemes, some of which are originated in the most legitimate manner by an association of gentlemen who wish to have their locality supplied with railways, and whose aims the Midland Company endeavour to aid in every way; but, on the other hand, we feel ourselves obliged to oppose schemes got up by individuals who put us to an enormous expense, and who, if they get the lines passed, do not know what to do with them; in the case of the Sheffield, Chesterfield, and Staffordshire Bill what might have happened might have been this—the Committee might have been induced to pass their Bill instead of the Midland Company's Bill; after that had been done, the promoters might have found it impossible to raise the necessary 120,000 *l.* to be impounded under the Act of Parliament; their Bill therefore would have failed, and our Bill having been thrown out, we should have had to come the next Session to supply an admitted want, because this Railway from Sheffield to Chesterfield was admitted on all hands to be indispensable, and we should thereby have incurred great expense.

799. Colonel *French.*] What was the original system of getting up railways has been so much altered that it is at present principally in the hands of solicitors, engineers, capitalists, contractors, and others, is it not?—Yes; if you put the capitalists first and put the others as the instruments put in motion by the capitalists, it is very true; no doubt, in many cases, railways are got up by solicitors and engineers; I should say, the fewer of such cases the better.

800. I put the professional men first, because they are generally considered to be the directing parties?—In this case no doubt it was so.

801. In England you are pretty well provided with railways, are you not?—There are still some parts, I believe, where they are required; I know some which still require to be provided.

802. Do you not think that if Parliament throws any additional obstructions in the way of the construction of those lines it will very much prevent the getting

getting of railway accommodation through those districts that require it?—There is no doubt that that is an evil to be avoided; on the one hand it is desirable that mere speculative schemes should be discouraged, and on the other hand it is certainly desirable that no undue impediments should be thrown in the way of supplying railways to those parts of the country that require railway accommodation; but whatever rules Parliament may think fit to lay down upon one view or the other, those rules should be obeyed strictly.

803. Any views which Parliament adopts, generally speaking, must be favourable to the lines already in existence, must they not?—No; I am not aware of that.

804. Their deposit is not locked up?—No doubt that would be so in matters of deposit, but then Parliament gets security otherwise; with regard to existing companies, the fact of their existence is a sufficient guarantee of their responsibility for the conduct of the concern up to the time of their getting the Act. An existing company has a certain status which is sufficient for its being entitled to receive the attention of the Committee during the examination of its Bill. If the Bill passes, then the security for the execution of the works is obtained, by the penalty of 50 *l.* a day until those works are completed.

805. I do not ask the reasons, but the fact, which is that they have at this moment some advantage over new schemes; have they not?—Clearly.

806. *Chairman.*] With regard to Standing Order No. 143, you stated that the Committees had the power, under the existing Standing Orders, of making their inquiries into the existing arrangements; I think you stated from your experience that they had practically almost abandoned that inquiry?—Yes, I think so.

807. Do you not think that they might with great advantage, continue and extend that inquiry, which has been almost abandoned?—I think so; I think that when the Standing Orders with regard to subscription contracts were abandoned, and this order was substituted in place of them, it was certainly to have been expected that this order would have been more effectually acted upon than it has been.

808. Do you find that the Committees are uniform in their practice, or that some of the chairmen are more particular in drawing the line of demarcation than others in this matter?—That is rather a difficult question to answer; I have the greatest possible respect for all the chairmen.

809. Do you think that it would be advantageous if there was an instruction given to all Committees to commence their inquiry with a general investigation of the financial condition of the company?—Certainly; it would save a great deal of expense if it were made in the first instance, instead of being postponed to the end of a case, when perhaps all the trouble that had been taken might go for nothing.

810. Do you think that there would be any practical difficulty in the Committee ascertaining from general evidence whether the company proposed to be established was a respectable and solvent company, or the contrary?—I can see none whatever.

811. Mr. *Crawford.*] I suppose the financial prospects of a company depend very much upon the progress of their Bill through the Committee; if there is a prospect of success that produces immediate effect upon the shares?—That is the modern system; it is for the Committee to consider whether it is a system which it is desirable to encourage. That system is described by the promoters of the Staffordshire line when, after first stating that "new companies in some cases borrow, and in others, issue their shares to the public, and from the deposit paid upon their shares make their Parliamentary deposit," they say that, "in large undertakings, which wholly depend for their existence upon the sanction of Parliament, the almost universal practice is to provide, by contribution from the promoters, for the Parliamentary expenses, and to borrow the deposit, not issuing the shares to the public until the scheme has the sanction of Parliament; and thus avoiding the confusion and expense of issuing shares in expectation of Parliamentary sanction, and then recalling them, should the Bill be refused." So that instead of coming to Parliament with a share list, more or less filled up, to begin with, they begin by getting their Act, and then they try whether they can get their shares. I think that is inverting the proper order of proceeding. I quote from a statement prepared by the solicitor of the Sheffield, Chesterfield,

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and Staffordshire Bill, in which he puts it in that way; he says it is almost the universal practice; and no one is a better judge of that than he is. This paper says, "The following statement was yesterday submitted to the Commitee on Standing Orders, on behalf of the promoters of the Bill;" and then the statement is quoted in inverted commas. I am reading from the "Railway Times," which I presume is correct. The statement I have read is made by a most experienced gentleman, and I suppose he has sufficient ground for making it.

812. Mr. *Sotheron Estcourt.*] Are you of opinion that, until the period when the deposit system was introduced, you could assert, or do you believe, that the great majority of the Bills were brought forward by persons possessed of sufficient capital?—In my own experience, I remember perfectly well when the London and Birmingham line was first brought forward, in 1830, when there were already Standing Orders in force with regard to the contract, we certainly had a subscription contract signed to a very large extent by persons of sufficient capital and ample means; and so again, in 1835, when I promoted the original Bill for the Birmingham and Derby Railway, now part of the Midland, in the same way, we found it necessary to have the subscription contract duly signed by sufficient persons, of ample responsibility.

813. Are you not aware that the deposit system was invented, so to say, by reason of schemes being brought forward without sufficient capital?—The first trace that I am aware of of the deposit system was in 1837, when it followed the report of the Committee, of which Mr. Warburton was the Chairman; that report was made upon an investigation into the Deptford and Dover Railway, in which great abuses had taken place with regard to the subscription confract. It was recommended, as a remedy for those abuses, that the deposit should be required to be paid into the Court of Chancery; not that it should be impounded, but merely that it should be a security for the respectability of the parties who promoted the Bill. After the Bill passed it was returned to them. That was introduced to meet the difficulty attending the signature of the subscription contracts by men of straw.

814. Colonel *Wilson Patten.*] Had not the London and Croydon Railway a good deal to do with it, too?—Their names were mixed up in it; I cannot say to what extent.

815. Do you not recollect the circumstances of the London and Croydon Railway?—I do not.

816. Mr. *Sotheron Estcourt.*] Bearing in mind those years, when we heard of nothing but bubbles with regard to railway speculations, and comparing those years with the present, are you of opinion that there are a much larger number of speculative schemes with regard to railways afloat now than there were in those years?—No; I should think fewer.

817. As a matter of fact, do you think that the railway schemes which have been within the last three or four years before Parliament, have been more of a bubble and speculative character than they were some 20 years ago?—I think they are less so now, as far as my experience has gone; less than they have been at some former times.

818. Mr. *Edward Egerton.*] There were not the same financial facilities given by banks some years ago, were there; there were no joint stock banks?—No.

819. No *crédit mobilier*, or anything of that kind?—No.

820. Those financial arrangements have given great facilities to railways, have they not?—Yes.

821. Colonel *French.*] You stated that you have been connected with the London and Birmingham Company from the time that it was first brought forward?—Yes.

822. You stated also, I think, that you had no difficulty in getting perfectly solvent persons to subscribe for the execution of that work?—I believe we had none; I do not recollect any.

823. Mr. *Selwyn.*] It is only recently that insurance companies have taken to lending money, as they do now, for the deposit, is it?—Yes, it can be only recently, for it was only in 1858 that the order was made.

William Nathaniel Massey, Esq., a Member of the Committee; Examined.

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824. *Chairman.*] HOW many years have you been Chairman of Ways and Means?—Since June 1859.

825. You succeeded Mr. Fitzroy, did you not?—Yes.

826. A question has been raised before this Committee as to what the precise object was, both of the subscription contract in the first instance, and of the deposit system as it at present prevails; will you give us your opinion as to the objects of it?—I always understood that the object of the deposit was that Parliament should have some criterion of the credit and responsibility of the parties who sought Parliamentary powers for their undertaking.

827 You consider that to be one of the objects?—I consider that to be one of the objects. The amount of deposit required from parties promoting a Bill in Parliament is so small that it is absurd to say that a deposit of eight per cent. upon the estimate of the capital, is a security for the construction of the works. The probability is, that a good hole will be made in that eight per cent. before the promoters will have got through Parliament, if they are fortunate enough to get their Act, and that there will be very little left for the expenses of the undertaking.

828. Colonel *French.*] But that eight per cent. is impounded until one-half of the money has been subscribed, and half the work executed?—Yes; the intention of the Act of Parliament was, I believe, what I have stated.

829. Under those circumstances, would it not be very fair security?—I have said that it was some sort of security for the credit and solvency of the parties, but it was no security for the completion of the works.

830. *Chairman.*] The House naturally, and very properly, looks to you for your opinion on the second reading of Bills, when any contest arises; should you, in giving your opinion to The House, upon the propriety of passing a Bill, be influenced by the knowledge that the deposit was not properly paid up in accordance with what you conceived to be the fair intention of Parliament?—Yes; if I was informed, upon reliable grounds, that what I should consider an evasion of the Act of Parliament had been practised, I should recommend the House of Commons not to read the Bill a second time.

831. And you would recommend that upon the grounds that the Act of Parliament had been evaded, and without reference to any considerations as to whether the railway was likely to be a valuable railway or not?—The ground upon which I should venture to recommend The House not to sanction the second reading of the Bill, would be that an attempt had been made to evade certain provisions which The House had thought proper to make as a security for certain objects being accomplished.

832. Colonel *French.*] Before you arrived at that conclusion, would you not take into consideration the alteration of the circumstances during the interval from the passing of the Act to the time when you were called upon for your opinion?—No, I should not consider myself warranted in taking any of those circumstances into consideration; I should feel bound by what I conceived to be the policy which Parliament had laid down; and until it was the pleasure of Parliament to alter that policy, it would not be competent to a person in my situation to say that the policy was obsolete.

833. Although the practice was completely altered?—If the practice was altered it would be in contravention of the intention of Parliament, and that alteration ought to be put an end to. Steps ought to be taken either that the original intention of Parliament should be carried out, or that the policy of Parliament should be reconsidered.

834. *Chairman.*] You consider it to be peculiarly your duty to influence the opinion of Parliament, as far as you can, towards preserving the original standard of the practice with regard to the introduction of these Bills?—Yes; I consider that the Standing Orders require me to give information of any departure from the spirit of those orders, which I may have observed in the conduct of any Private Bill through the House of Commons.

835. From your great experience with regard to Railway Bills, are you of opinion that the guarantees exacted by Parliament are unnecessary, or that they could be diminished with safety to the general conduct of business in this country?

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country?—I think it is necessary that Parliament should require from parties promoting Bills, and Railway Bills especially, some security that they are responsible persons, and that they contemplate the probability of their being able to carry the line into effect; I think that it is due to the proprietors of landed property, when Parliament, as the supreme power in the State, undertakes the extreme measure of forcibly taking away people's property, that they should be satisfied that the persons who ask them to exercise those extraordinary powers, should be persons of credit and solvency, and that they propose an undertaking which would be for the public benefit.

836. Colonel *French.*] You state that you would consider it your duty to take a certain course, looking at the object that you thought Parliament had in view, and that you would not be governed by any alterations; for instance, although the Act of 1846 does require a subscribers' list, has not that practice been altered in 1858, and would you still continue to be of opinion that the subscription contract ought to be in existence?—The subscription contract has been discontinued by the authority of the House; of course I should take notice of that, but the deposit system is in existence.

837. Then where a change has been sanctioned by the authority of the House, you would take that circumstance into consideration?—Of course, I should be bound to do so.

838. Mr. *Selwyn.*] With respect to what you have said with regard to the security of landowners, is not that rendered more strong by the circumstance of Parliament appointing a tribunal to investigate those cases to which they do not think fit to intrust the power of giving costs?—I think that does add very greatly to the responsibility of Parliament, and to the obligation which is imposed upon Committees of strictly investigating both the character of the undertaking, and of the promoters of the undertaking.

839. If that is not done, persons may, without any risk of incurring costs, come to Parliament for powers which, in the event of their application being acceded to, would give them the power of compulsorily taking other people's land?—Certainly, and I think it might be an improvement upon our system if the question of the award of costs, under certain circumstances, was to be considered by Parliament.

840. As long as that power remains, not given to the Committees, it is necessary that we should have still further precautions, is it not?—Yes, I think so, certainly.

841. *Chairman.*] You are, I presume, acquainted with the Report of the Standing Orders Committee, with regard to the Sheffield, Chesterfield, and Staffordshire Railway. Do you concur in that Report?—I entirely concur in the view which the Committee on Standing Orders took of the Act of Parliament; and although I was aware, as every person connected with private business was, that the Act of Parliament had not been strictly complied with, yet the Report of the Standing Orders Committee upon the line to which the Honourable Chairman has referred, was the first occasion upon which it was brought before the House in such a shape that the House could take cognizance of it.

842. Colonel *French.*] Could not you in your official position have taken cognizance of it yourself, if you conceived that there was any public inconvenience arising from the alteration of the system?—No, I think I should have exceeded my duty if I had acted upon rumour and private information. I should have been very slow to interfere, unless I was founded upon such an authority as the Report of a Committee of the House.

843. You are aware that it has been maintained that there was no infraction of the Act of Parliament, or of the general rules which have hitherto guided Parliament in issuing warrants to third parties for the deposit of stock, that is to say, to parties not connected with the Bill, instead of to the promoters of the Bill; do you disagree entirely with that view?—I disagree entirely with the construction which has been recently placed on the Act by the clerks in the Private Bill Office. I do not wish to give any opinion as to the construction of the Act, but I conceive that if the true construction put upon it by the clerks is correct, the Act has failed to carry out the intentions of Parliament.

844. Have you read Mr. Welsby's opinion?—I have.

845. You disagree with it *in toto*, I presume?—Yes. I speak, of course, with great diffidence upon the legal question.

846. *Chairman.*]

846. *Chairman.*] You are expressing your opinion as to what you consider to be the objects of the Act, without entering minutely into the positive interpretation of the words of it?—Yes.

847. But you are strongly of opinion that such a view of the case as has been referred to would be at variance with the objects for which the Act was originally passed?—Yes; I would go further, and say that the practice of the last two years has been an entire departure from the spirit and meaning of the Act, and that the deposit system, instead of being a valid security for the character of the promoters of a railway scheme, has become really a proceeding which is frivolous and vexatious.

848. Colonel *Wilson Patten.*] You consider that the words of the Report of the Standing Orders Committee, that the practice has been an evasion of the security provided by Parliament for the protection of the public, are not too strong?—I entirely concur with every word of that Report.

849. Colonel *French.*] Are you in communication with the Standing Orders Committee on the occasion of any discussion taking place?—I never attend the Standing Orders Committee; that is constituted of gentlemen of great experience and ability, who stand in no need of my aid.

850. Are they in the habit of communicating with you when any important change is about to be considered?—The Chairman of the Standing Orders Committee is kind enough to communicate with me as to matters connected with the transaction of private business: I derive great assistance from those communications.

851. Then, I presume, you were acquainted with the decision that the Committee were likely to come to upon the Sheffield, Chesterfield, and Staffordshire Bill before the Report was presented to the House?—I had no conversation with the Members of the Standing Orders Committee before that Report was laid upon the table of the House.

852. Colonel *Wilson Patten.*] Were you consulted by me or by any other Member of the Committee as to the nature of that report?—Certainly not.

853. Colonel *French.*] You approve of every word in that report?—Entirely.

854. *Chairman.*] Was the departure from the old practice, which appears to have prevailed in this House, I believe for 16 years, in issuing warrants to third parties, instead of to the promoters only, ever brought to your notice in any way?—It was never officially brought to my notice, although, as I said before, I was aware that recently a very loose practice had crept in, and I had my eye upon it, and was looking for an opportunity when it might be fairly brought to the consideration of the House.

855. Colonel *French.*] It was for two years under your consideration, then, before the question was officially raised?—Not so much as two years; it was in 1862 that the change took place.

856. Colonel *Wilson Patten.*] It has been stated before this Committee by one of the witnesses that he holds the opinion that the object of Parliament in requiring a deposit was simply to secure the execution of the work; is that your opinion?—No, I think not; for the reason I have already stated, that if Parliament desired to take a security for the fulfilment of so great an undertaking as even the smallest railway undertaking is, they would require a much larger sum to be deposited in the first instance than they do now. The small deposit of 8 per cent. is manifestly inadequate as a security for the completion of the work; it is merely caution-money. The deposit is required with the view of giving *primâ facie* evidence that the parties who come to ask for Parliamentary power are men who have some credit or some command of money, and on persons who are entitled to a *locus standi.*

857. If the sole object had been to secure the completion of the works, would it not have been sufficient to have enforced that obligation at the end of the investigation before Parliament, rather than to put the parties to the enormous inconvenience of finding the money six months before?—I think it would be perfectly impracticable to require from the promoters of a railway scheme anything like a large proportion of their estimate at the outset of their undertaking; it would be tantamount to a prohibition of railway enterprise.

858. Would there be any reason for enforcing a deposit with a view simply to the execution of the work, before Parliament gave the power to the parties to carry out the undertaking?—No; I think the proper time for parties to look

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about them and see if they can find the money to complete their works, is when they have obtained their Act.

859. Mr. *Edward Egerton.*] Do you consider it competent to a clerk in the Private Bill Office to make any alteration in the usual practice of the House, without coming to the Speaker for instructions?—I should think that he exercised a very unwise discretion if he did so.

860. If the Speaker happened not to be in town, and if Parliament were not sitting, and the case was pressing for immediate decision, what should he do?—He must then act to the best of his judgment, but he should take an early opportunity of sustaining himself by the authority of the Speaker.

861. Colonel *Wilson Patten.*] Were you ever applied to at all upon the subject of this change?—Never.

862. Mr. *Edward Egerton*] When did you first hear of this departure from the practice?—It commenced in 1862; it has been, within my knowledge, for about a year.

863. *Chairman.*] Supposing the application which was made to the clerks in the Private Bill Office to issue a warrant to third parties, which was the subject of some doubt amongst them, had been positively refused, to what risk would the clerk who so refused it have been subject?—It is rather a question of law; but I cannot conceive any legal risk to which the clerks would have been exposed; they might fairly have declined to depart from the usage of their office without authority.

864. They would have been, practically, quite safe, would they not, in refusing to make any departure from a practice which had prevailed for 16 years?—If they had been wrong in refusing the application which was made to them, and had erred in adhering to the former practice of their office, there can be no doubt that they would have been protected.

865. Have you any suggestion to make with regard to improvement for the future?—I agree substantially with the opinion of Lord Redesdale. I think that the rational mode of viewing these preliminary proceedings is to treat any deposit which the promoters of a railway undertaking may be required to make as a portion of the money which is available for their undertaking; I should not call it a deposit, I should call it, as Lord Redesdale called it, adopting a phrase of mine, a first instalment of the capital. I differ from Lord Redesdale in some matters of detail; I agree with him that it would be very desirable, if possible, to exclude contractors and engineers from being the founders of these undertakings; but the more I have considered that point the more am I convinced that Parliament would embark in a fruitless contest with those gentlemen, if it was to attempt to enforce such a rule, and I think it is prudent not to attempt that which you cannot accomplish. I should therefore require a certain amount of the capital to be paid up, as a preliminary to the Parliamentary proceeding. I should not inquire where that capital came from; I should not, as Lord Redesdale proposes, require the subscriptions to be fully paid-up shares. I can see no reason why persons subscribing to an undertaking should not be permitted to pay up an instalment of their shares. So long as a certain proportion, say eight or ten per cent., of the capital was obtained, that capital might be obtained either by the parties subscribing a small sum and taking a few shares, or by parties subscribing largely to the concern, and paying up a certain proportion of their subscription. For instance, supposing the estimate was 100,000 *l.*, in 50 *l.* shares, a man might bring in 500 *l.*, and, if he liked, take 10 shares fully paid up; or he might subscribe not less than one-fifth, and he might take five times that amount of shares; and his subscription should stand for a subscription to that extent, and he should be responsible to that extent; but so long as a certain proportion of capital is paid up, whether it be 8 per cent. or whether it be 10 per cent., I think it would be too curious for Parliament to enquire whether a subscriber purchased fully paid-up shares, or paid only an instalment upon the shares. There is some difference of opinion as to the amount which should be subscribed; Lord Redesdale was rather of opinion that 8 *l.* per cent. was sufficient, but I must say that I think 10 per cent. would be not an immoderate deposit to require from the parties who had sufficient faith in the scheme to subscribe their money at all. If the estimate of an undertaking was 100,000 *l.*, it is not too much, when parties come here to ask Parliament to exercise their great powers of taking away people's land, that the

parties

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parties coming to ask for the exercise of those extraordinary powers should be prepared to say, "We deposit 10*l.* per cent. as a proof that we have faith in the undertaking, and that we have a fair prospect of carrying it out." I am satisfied that an undertaking which has any credit whatever in the locality which it proposes to serve could raise that amount. If this requirement would have the effect, as one of the most experienced witnesses (Mr. Baxter) stated to this Committee, of checking railway enterprise, for my part I should be quite content to accept that consequence. The great lines of railway are laid out; all that is required now is to fill up gaps and to lay out branches and loops. The practice which has prevailed of late, of speculators intruding themselves into districts and forcing upon established companies the acceptance of inferior lines, is one which I think might fairly have some check administered to it by Parliament; and if so small a deposit as 10 per cent. had the effect of producing that check, I should say that it would be very desirable. I consider that the great companies, as a whole, understand better than speculators in London what is required for the accommodation of their localities; I think that those companies, upon the whole, are disposed to accommodate the public, and although I should be very sorry to see all competition withdrawn from them, at the same time I think that the competition which exists has gone to an unwholesome and mischievous extent, and I should be very willing to see a check put upon the facility which now exists of getting up any sort of railway enterprise in the London market.

1866. Mr. *Sotheron Estcourt.*] What would you do with that deposit of 10 per cent.; would you allow it to be at any time available for the purposes of the undertaking, and at what time would you allow it to be taken out again?—I propose that the money of the subscribers to the amount of 10 per cent., should, as at present, be lodged in the Bank of England, and that it should be invested in Exchequer Bills, the interest upon which should be paid to the depositors until their shares were paid out, and those shares should be paid at a certain time; there is some difficulty in fixing the time when the directors of the company should be allowed to lay their hands upon this money. I think that the depositors, as well as the landowners, assuming that they are *bonâ fide* depositors, are entitled to have some protection from Parliament that their money is not prematurely taken out and spent before the promoters of the undertaking have a reasonable hope of getting money enough to commence their works in earnest. I should therefore be disposed to say that the shares should be issued against the deposits when either half the capital was paid up, or when the whole capital was subscribed and 30 per cent. paid up. For instance, supposing the estimate was 100,000*l.*, it would be when 50,000*l.* was paid up, or when the whole 100,000*l.* was subscribed, and 30 per cent. had been paid up. That is rather arbitrary, as the Committee will see, but you must fix some time; you could not liberate the deposits at once, and I think, looking at the course that these things take, that any undertaking which was likely to meet with support in the locality, or was of a substantial character, would be able to assume the character of a company entitled to proceed, and enabled to proceed with its works when the whole of the subscriptions had been taken, and 30 per cent. upon those subscriptions paid up, or when half the capital was paid up.

867. Would you think it a good thing that any proportion of that money should be retained in public custody, until the whole undertaking was finished?—No; when a company were prepared to satisfy that condition and could say, Here we have got half our capital in hand, or we have got all our money subscribed, and 30 per cent. in hand, I think that then the money might be liberated and issued in the form of shares; the share capital might then be constituted, and the matter might be dismissed entirely from the control and protection of Parliament.

868. If I rightly understand it your proposition is, that 10 per cent. upon all undertakings shall be subscribed, in the first place, before the parties are allowed to commence the proceedings for their Bill?—Yes.

869. As soon as half the capital has been paid up, or, the whole having been subscribed for, 30 per cent. has been paid up, you would allow the whole sum of 10 per cent. deposited, to be issued, being converted into shares?—Yes.

870. Mr. *Selwyn.*] In part payment upon the shares?—Yes.

871. *Chairman.*] As to your opinion with regard to a financial investigation

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before the Committee, you are aware that the Committees have full power to investigate, but practically it appears that the investigation is almost disused; do you think that the investigation might be extended with beneficial effect?—I think that the investigation might be a reality, instead of being a fiction, as it is now. If the plan which I have sketched were to be adopted, it would necessitate an enquiry by Committees into the solvency of the subscribers, because I propose to allow persons to subscribe one-fifth only of the shares they take. Therefore it would be quite the duty of the Committee to inquire into the solvency of the persons who subscribe to the undertaking. I would have all those subscribers describe themselves in the subscription contract, and be bound by their descriptions. If a contractor was a subscriber, let him describe himself as a contractor; if an engineer was a subscriber, let him describe himself as an engineer. Parliament would then know whom they had to deal with. If a gentleman has described himself as a landowner, or a gentleman willing to invest in the speculation, let him be bound by that description. The Committee might institute any enquiry they thought proper to test the accuracy and truth of those descriptions, and if they found that the descriptions were deceptive, and were adopted in order to frustrate the intentions of Parliament, and for the purpose of throwing dust in their eyes, I hope the Committee would have the firmness to reject the Bill.

872. *Chairman.*] You do not wish to limit the investigations of the Committees in any way?—Certainly not; as something has been said in the earlier part of the enquiry by my friend Mr. Rickards, about a preliminary examination before an officer of the House, I may remark, that I do not think that it would be efficient, and I am afraid that if such an inquiry was to take place, Committees would think themselves relieved from prosecuting an inquiry of their own. I do not think that any officer of the House who may be appointed, would have the authority, or perhaps the inclination to institute such a searching inquiry as a Committee would do.

873. Mr. *Tite.*] I presume it would require an Act of Parliament to make the change which you propose?—I think it would; I think it might be done by a Standing Order, but I think an Act of Parliament would be better.

874. *Chairman.*] You think, do you not, that a financial investigation ought to be made by Committees in every case?—Certainly.

875. Mr. *Edward Egerton.*] It is made in many cases, is it not?—Yes; I often hear, as we have all of us often heard, the character of these Committees criticised on the ground that there is no uniformity of practice amongst them. It would be very difficult to lay down any rules of practice, but, certainly, in such a case as that, there ought to be uniformity of practice, and people, when they come into a Committee-room, ought to know whether their financial affairs will be investigated or not. Some Committees say that the deposit supersedes the necessity for any investigation; others say that in consequence of the Standing Order the investigation is required. It is extremely inconvenient that there should be that discrepancy in the practice of Committees: therefore I should be desirous that, whether by the Standing Orders or otherwise, this investigation should be imperative upon Committees.

876. Do you not think that the change which has been described to have taken place gradually of companies trusting to Parliament to give them their capital and credit as they go on, instead of coming to Parliament to have their credit and capital made use of, is a change which may possibly have a very injurious effect upon Parliament itself?—Yes, I have long thought that; I have omitted to advert to the course of proceedings with regard to the old companies; I think it is useless to exact from old companies these conditions; at the same time I was very much impressed by a remark of Lord Redesdale's, that it was absurd to allow a little company to undertake an enormous undertaking, and derive the advantage of an existing company, therefore, I should say if an old company proposed to undertake a work, the capital of which was more than one-half of their paid-up capital, the capital upon which they were paying a dividend, they should then be under the same rule as new companies.

877. *Chairman.*] You concur substantially with Lord Redesdale in his opinion upon that point, do you not?—I concur with Lord Redesdale's opinion upon that point.

Martis, 7o die Junii, 1864.

MEMBERS PRESENT:

Mr. Crawford.	Lord Hotham.
Mr. Egerton.	Mr. Massey.
Mr. Sotheron Estcourt.	Colonel Wilson Patten.
Colonel French.	Mr. Scourfield.
Mr. Heygate	Mr. Tite.
Mr. Hodgson.	Mr. Westhead.

JOHN HENRY SCOURFIELD, Esq., IN THE CHAIR.

Henry Mayne, Esq., re-called; and further Examined.

H. Mayne, Esq.

7 June 1864.

878. Mr. *Massey.*] THE Committee understand that you wish to make some corrections in your evidence, and those corrections might be of a more extensive character than the Committee would be warranted in authorising without hearing your explanations of those corrections; will you shortly state the nature of the alterations which you wish to make?—On reading over the evidence which I gave the other day, I fear that I may be considered to have claimed more independent action, on the part of the office, than I was justified in doing. I was rather confused at the time, and I did not exactly understand the scope and tendency of the questions which were put to me. I may therefore be permitted to state that we did not take the opinion of counsel with the remotest idea of ever acting upon it ourselves in this matter; that we most assuredly feel ourselves bound to carry out any instructions which we may receive from the Speaker; that we should most undoubtedly act upon the Speaker's interpretation of the law altogether; and that we should consider ourselves in so doing protected by his authority.

879. You have stated that you took the opinion of counsel as to the construction of the Act of Parliament; in taking that opinion, you were not actuated by any desire to set yourselves up against the authority of The House?—Not in the least.

880. Or to fortify yourselves in opposition to the opinions of those who are your official superiors?—Certainly not; I took the opinion, in the first instance, I may say, rather for my own satisfaction. I then hesitated as to whether I ought to act upon the opinion at all in any way, or whether I ought not to put the opinion into my desk, and not do anything with it; but I showed the opinion to Sir Denis Le Marchant, who is my official chief; he showed it to the Speaker, and said that there would be no objection whatever to my showing it to other persons in the House.

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APPENDIX.

Appendix, No. 1.

PAPER handed in by Mr. *M. C. Conry*, and referred to in his Evidence, 11 May 1864. Appendix, No. 1.

WARRANTS have been granted to Persons other than the Directors or Persons having the Management of the Undertaking in the case of all the following BILLS.

Alford and Mablethorpe Railway.
Alton, Alresford, and Winchester Railway.

Bangor and Llanberis Direct Railway.
Bembridge Railway, Tramway, and Pier.
Blackpool and Fleetwood Railway.
Blockley and Banbury Railway.
Blyth Dock.
Blyth and Tyne Railway (New Works).
Brecon and Merthyr Tydfil Junction Railway (No. 1).
Brecon and Merthyr Tydfil Junction Railway (No. 2).
Brecon and Merthyr Tydfil Junction Railway (No. 3).
Bridport Harbour, Railway, and Pier.
Brighton Tramway.
Bristol and North Somerset Railway (Bath Extension).
Bristol and North Somerset Railway (Extensions).
Bristol Central Station and Railways.
Bromley Railway.
Buckfastleigh, Totnes, and South Devon Railway.

Carmarthen and Cardigan Railway.
Carmarthenshire Railway.
Carnarvon and Llanberis Railway (No. 1).
Carnarvon and Llanberis Railway (No. 2).
Central Wales and Staffordshire Junction Railway.
Charing Cross Northern Railway.
Charing Cross Western Railway.
Chichester and Midhurst Railway (No. 1).
Chichester and Midhurst Railway (No. 2).
Chichester and Midhurst Railway (No. 3).
Corris Railway or Tramroad.

Daventry Railway.
Dover, Deal, and Sandwich Railway.
Downs (The), Docks.
Drayton Junction Railway.
Dublin and Baltinglass Junction Railway.
Dublin Railway.
Dublin, Rathmines, and Rathfarnham Railway.
Dublin, Rathmines, Rathgar, &c. Railways.
Dublin Trunk Connecting Railway.
Dumfrieshire and Cumberland (Solway) Junction Railway.

East and West Junction Railway.
East Gloucestershire Railway.
East London Railway.
Ely, Haddenham, and Sutton Railway.
Exe Valley Railway.

Farnham, Aldershot, and Woking Junction Railway.
Fleetwood Docks.
Flintshire Railway.
Forth Bridge Railway.

Garstang and Knot End Railway.
Gloucester and Ledbury Railway.
Gloucester, Cheltenham, and Oxford Direct Railway.
Gloucestershire and Wiltshire Railway.
Great Northern and Victoria Station Railway.
Great Southern and Western, and Midland Great Western Junction Railway.

Halifax, Huddersfield, and Keighley Railway.
Hammersmith and Wimbledon Railway.
Hampstead, Midland, North Western, and Charing Cross Junction Railway.
Hayling Railways.
Henley-in-Arden Railway.
Hereford, Hay, and Brecon Railway.
Herne Bay, Hampton, and Reculver Fishery.
Holywell Railway.
Hoylake Railway.

Isle of Purbeck Railway.

Kew, Turnham Green, and Hammersmith Railway.
Kingsbridge Railway.
King's Lynn Docks.
Kingston, Tooting, and London Railway.
Kington and Eardisley Railway.
Knutsford and Warrington Railway.

Leeds, Bradford, and Halifax Junction Railway (No. 1) (New Works).
Limerick, Foynes, Tralee, and Killarney Junction Railway.
Liverpool Central Station Railway.
Llandilo and Teiffi Valley Railway.
Llanelly Railway and Dock Company (No. 2) (New Line).
London Main Trunk Underground Railway.
London Union Railways.
Londonderry and Lough Swilly Railway.
Lymington Harbour and Docks.

Manchester and Milford Railway.
Market Harborough and Melton Mowbray Railway.

Appendix, No. 1.

Metropolitan and St. John's Wood Railway.
Metropoliton District Railways.
Metropolitan Grand Union Railway.
Metropolitan Railway (Additional Powers).
Metropolitan Railway (Trinity-square Extension).
Metropolitan Railway (Notting-hill and Brompton Extension).
Mid-Wales Railway.
Millwall Canal, Wharfs, and Graving Docks.

Neath and Brecon Railway (Extension, &c.)
Neath and Brecon Railway (New Lines, &c.)
Newry and Armagh Railway Extension.
North and South Junction Railway.
North and South London Railways Junction Railway.
North and South Western Junction Railway.
North British Railway (Abbey Holme and Leegate Branch).
North Devon and Somerset Railway.
North Staffordshire Railway (New Works).
North Staffordshire Railway (Silverdale, Madeley, and Drayton).

Oswestry, Ellesmere, and Whitchurch Railway.
Oxford-street and City Railway.

Parsonstown and Portumna Bridge Railway.
Pembroke and Tenby Railway.
Peterborough, Wisbeach, and Sutton Railway.
Petersfield and Bishop's Waltham Railway.
Pulborough, Storrington, and Steyning Railways.

Reigate and London (West End) Junction Railway.
Ribblesdale Railway.
Royston and Hitchin Railway.

Sheffield, Chesterfield and Staffordshire Railway.
Shrewsbury and Potteries Junction Railway.
Shrewsbury Bridges.
Somerset and Dorset Railway (Cheddar Valley and Yatton).
Somerset and Dorset Railway (Extension to Shepton Mallet).
South Eastern Railway (No. 1).
South Eastern Railway (No. 2).
South Eastern Railway (No. 3).
South Kensington New Road.
Stafford and Uttoxeter Railway.
Staines, Egham, and Woking Junction Railway.
Stonehouse and Nailsworth Railway.
Sunningdale and Cambridge Town Railway.
Sunningdale, York Town, and Aldershot Railway.
Surrey and Sussex Junction Railways.
Swansea and Oystermouth Railway.
Swansea Vale and Neath and Brecon Junction Railway.

Tamar, Kit-hill, and Callington Railway.
Teign Valley Railway.
Tooting, Merton, and Wimbledon Extension Railway.
Totnes, Buckfastleigh, Ashburton, and Newton Junction Railway.
Tottenham and Farringdon-street Railway.
Tottenham and Hampstead Junction Railway (Alexandra Park Extensions).
Tottenham and Hampstead Junction Railway (Extension to Charing Cross).
Tunstall Railway.

Wallingford and Watlington Railway.
Walthamstow, Clapton, and City Railway.
Wandsworth and Fulham Bridge.
Waterford and Wexford Railway and Rosslare Harbour.
Watford and Edgware Junction Railway.
Weald of Kent Railway.
West Drayton and Staines Railway.
West Grinstead, Cuckfield, and Hayward's Heath Junction Railway.
West Norfolk Junction Railway.
West Shropshire Mineral Railway (Branches, &c.)
West Shropshire Mineral Railway (New Lines).
Weston-super-Mare, Axbridge, Cheddar, and Wells Railway.
Wilts and Gloucestershire Railway.
Wrexham, Mold, and Connah's Quay Railway.

Private Bill Office,
10 May 1864.

M. C. Conry.

Appendix, No. 2.

PAPER handed in by Mr. *Baxter*, 27 May 1864. Appendix, No. 2.

RETURN of Number of MILES of RAILWAY applied for each Session, and whether by New Companies, or existing Railway Companies.

Session.	No. of Miles.			
	New Companies.	Existing Companies.		
1854 - -	866	375		
1855 - -	409	246		
1856 - -	473	203		
1857 - -	896	574		
1858 - -	408	290		
1859 - -	768	361		
1860 - -	1,048	358		
1861 - -	2,015	1,002		
1862 - -	1,208	592		
1863 - -	1,117	876		
1864 - -	2,264	835		
			Total.	
Years, 11 -	11,472	5,712	17,184	Aggregate of 11 years.
Average -	1,042	519	1,561	Average of 11 years.

Appendix, No. 3.

App. No. 3.

RETURN of the Number of Cases in which BONDS have been given to the Treasury to Secure the Completion of RAILWAYS within the time prescribed in Substitution for Money or Government Securities deposited with the Courts of Chancery in *England* or *Ireland*, or the Court of Exchequer in *Scotland* for the same purpose, from the Year 1858 to 1863 inclusive; and of the Number of Cases in which such BONDS have been FORFEITED, and Amount of Money recovered thereon during the same Period.

Number of Bonds - - - - - - - - - - - - 155.

Number of Bonds Forfeited:—

From a Return made by the Board of Trade, dated 31st May 1864, it appears that four cases, viz.—

Leslie Railway,

Liskeard and Looe Railway,

St. Ives and West Cornwall Junction Railway, and

Tendring Hundred Railway,

the conditions of the Bonds entered into by those Companies have not been strictly complied with.

Amount of Money recovered under forfeited Bonds - - - - - Nil.

Appendix, No. 4.

PAPERS delivered in by Mr. *Stewart*, in reference to his Evidence of 11 May 1864. App. No. 4.

MEMORANDUM in reference to the Inquiry of the COMMITTEE as to the Seventy-five BILLS against which the LONDON and NORTH WESTERN ordered PETITIONS to be presented in the SESSION 1864.

NINETEEN of these Bills were promoted by established Companies, and sought to raise capital by shares and loans to the amount of (2,833,000 *l.*) two millions eight hundred and thirty-three thousand pounds.

Fifty-six of these Bills were promoted by other parties, chiefly professional men (aided by loans from moneyed speculators) who projected the schemes and carried on the Bills at their own risk, and without the support of any shareholders in the sense contemplated by Parliament.

These latter Bills sought to raise capital by shares and loans to the amount of (62,658,000 *l.*) sixty-two millions six hundred and fifty-eight thousand pounds.

LONDON AND NORTH WESTERN RAILWAY.

Secretary's Office, Euston Station,
London, 13 January 1864.

THE House of Commons have recently investigated the present system of private Bill legislation, with a view to changes rendered necessary by the state of antagonism and costly litigation into which the railway system of this country has been brought. Parliament and the public appear to recognise as a serious evil the time and large amounts of money wasted annually in the contentions before Committees on Private Bills. It is beyond question that this admitted evil is now attributable in the main to the absence of any defined and settled principle in dealing with the vast interests created in connexion with railways; for although at one time these contests may have had their origin in an expectation based on the apparent policy of Parliament that monopoly might be maintained, yet for some time past that expectation has been very generally abandoned.

It is no disrespect to say, and it will not be denied, that the proceedings of Parliament in dealing with this great interest have been wanting in any fixed or defined policy, and such as to compel established Companies, as the lesser evil, to resist measures, which, under a different condition of legislation, it would have been their interest in common with that of the public to encourage.

The proprietors of existing railways, as the owners of nearly 400 millions of capital, may reasonably expect that Parliament will not allow their property to be sacrificed as is now too frequently the case for the sole benefit of speculators, who, under the guise of public advantage, claim to use works already established at great cost; and having acquired their rights, seek only to dispose of them to the highest bidder; and further, that they will not countenance the disturbance of arrangements between Railway Companies, except and to such extent as may be necessary in the public interest, and then only with due regard to the equitable claims of the parties.

The London and North Western Company have expended millions in the construction of Railways and Works in and about London; the lines of which they are the owners, or part owners, and over which they have the right to work, embracing more than two-thirds of the circle of London, extending from the north side of the Thames, and through the eastern and northern districts, to the south of the river near Battersea.

Under existing circumstances the directors, as trustees, have little or no option but to appear in committee on every contested Bill by which their interests may be affected, well knowing from experience that a lodgment made by a speculative scheme in one Session is too often only the stepping stone to a serious invasion of their property and costly contest in a future Session.

I am instructed to submit these observations that their Lordships may be made aware of the difficulty which the Directors feel in acting, as they believe it would be, for the interest of their proprietors and the public, that they should be able to act in connection with the schemes in question.

Charles E. Stewart, Secretary.

I N D E X.

[*N. B.*—In this Index the Figures following the Names of the Witnesses refer to the Questions in the Evidence; those following *App.* to the Pages in the Appendix; and the Numerals following *Rep.* to the Pages in the Report.]

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REPORT

FROM THE

SELECT COMMITTEE

ON

STANDING ORDERS (PARLIAMENTARY DEPOSITS)

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

APPENDIX AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
22 *June* 1864.

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REPORT

FROM THE

SELECT COMMITTEE

ON

STANDING ORDERS REVISION;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
21 *July* 1864.

510.

Jovis, 14° *die Julii*, 1864.

Ordered, THAT a Select Committee be appointed "to revise the Standing Orders."

Committee nominated of—

Mr. Massey.	Mr. Edward Egerton.
Lord Stanley.	Mr. Scourfield.
Mr. Edward Pleydell Bouverie.	Mr. Hassard.
Mr. Milner Gibson.	Mr. Adair.
Mr. Gathorne Hardy.	Mr. Lowe.
Lord Robert Cecil.	Colonel French.
Mr. Ingham.	Colonel Wilson Patten.

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Ordered, THAT it be an Instruction to the Committee to consider the expediency of constituting Referees under the authority of this House, for the more speedy and economical decision of certain questions of fact commonly arising in the proceedings upon Private Bills.

Veneris, 15° *die Julii*, 1864.

Ordered, THAT the Committee do consist of 17 Members.

Ordered, THAT Mr. Ayrton, Sir Henry Willoughby, and Mr. Richard Hodgson, be added to the Committee.

Jovis, 21° *die Julii*, 1864.

Ordered, THAT the Committee have power to report their Observations to The House.

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REPORT.

THE SELECT COMMITTEE appointed to revise the STANDING ORDERS, and who were instructed to consider the expediency of constituting REFEREES under the authority of this House for the more speedy and economical decision of certain Questions of Fact commonly arising in the PROCEEDINGS upon PRIVATE BILLS;——HAVE considered the Matters to them referred, and have agreed to Report the STANDING ORDERS, as revised by them, to the House.

21 *July* 1864.

PROCEEDINGS OF THE COMMITTEE.

Veneris, 15° *die Julii*, 1864.

MEMBERS PRESENT:

Mr. Milner Gibson.	Mr. Richard Hodgson.
Colonel Wilson Patten.	Mr. Hassard.
Mr. Adair.	Mr. Lowe.
Mr. Gathorne Hardy.	Mr. Edward Egerton.
Mr. Ingham.	Colonel French.
Mr. Scourfield.	Lord Robert Cecil.
Lord Stanley.	

Colonel WILSON PATTEN was called to the Chair.

The Committee deliberated.

[Adjourned to Monday, at Twelve o'clock.

Lunæ, 18° *die Julii*, 1864.

MEMBERS PRESENT:

Colonel WILSON PATTEN in the Chair.

Mr. Adair.	Mr. Ayrton.
Lord Stanley.	Mr. Lowe.
Mr. Milner Gibson.	Lord Robert Cecil.
Mr. Scourfield.	Mr. Ingham.
Mr. Massey.	Mr. Hassard.

Mr. *Thomas Coates*, Mr. *George Pritt*, and Mr. *Charles Frere*, were severally examined.

The Committee deliberated.

[Adjourned to To-morrow, at Twelve o'clock.

Martis, 19° *die Julii*, 1864.

MEMBERS PRESENT:

Colonel WILSON PATTEN in the Chair.

Mr. Bouverie.	Mr. Massey.
Mr. Hardy.	Mr. Adair.
Mr. Scourfield.	Mr. Lowe.
Mr. Ingham.	Mr. Ayrton.
Mr. Hassard.	Lord Robert Cecil.
Lord Stanley.	Mr. Egerton.
Mr. Milner Gibson.	Sir Henry Willoughby.

The Committee deliberated.

Motion made, and Question, That the following be a new Order: "The Chairman of Ways and Means, with not less than three other persons, who shall be appointed by Mr. Speaker for such period as he shall think fit, shall be Referees of the House on Private Bills, such Referees to form one or more Courts; two at least to be required to constitute each Court"—(*Chairman*")—put, and *agreed to.*

Motion

Motion made, and Question, That the following be a new Order:—" The Chairman of Ways and Means shall be the Chairman of the Referees; and at any sitting of the Referees at which the Chairman is not present, one of the other Referees, whom the Chairman shall nominate for that purpose, shall be the acting Chairman"—(*Chairman*) —put, and *agreed to.*

Motion made, and Question, That the following be a new Order:—" The practice and procedure of the Referees, their times of sitting, order of business, and the forms and notices required in their proceedings, shall be prescribed by rules, to be framed by the Chairman of Ways and Means, subject to alteration by him as occasion may require. All such rules and alterations, when made, to be laid on the Table of the House"—(*Chairman*) —put, and *agreed to.*

Motion made, and Question, That the following be a new Order:—

" The Referees shall inquire into all or any of the following matters as to which parties petitioning against any Bill desire to be heard in opposition, viz.:—

" 1. In the case of Bills of the second class for authorising the construction of Works, the engineering details of the undertaking, the efficiency of the Works for the proposed object, and the sufficiency of the estimate for executing the same.

" 2. In the case of Bills for authorising a new line of Railway, the statistics of the traffic proposed to be accommodated.

" 3. In the case of Waterworks Bills, the nature and amount of the existing and the proposed source of supply, the quality of the water in each case, and the provisions as to storage reservoirs.

" 4. In the case of Gas Bills, the quality of the gas, the existing supply and its price, the amount of pressure, the cost of production, and the modes of testing the purity and illuminating power of the gas"—(*Chairman*)—put, and *agreed to.*

Motion made, and Question, That the following be a new Order:—" So soon as the inquiry into the matters referred to them upon any Bill has been completed, the Referees shall make their Report upon the same to the House, and the Report shall thereupon stand referred to the Select Committee on the Bill. No further evidence shall be taken by the Committee to prove or disprove any of the facts reported by the Referees"—(*Chairman*) —put, and *agreed to.*

Motion made, and Question, That the following be a new Order:—" The Select Committee to which any Bill has been referred may, subject to the approval of the Chairman of Ways and Means, refer any question arising in the course of their inquiry, which they may deem suitable to be so referred to the Referees for their decision. Such question to be stated in writing, and signed by the Chairman of the Committee. The Referees, so soon as their inquiry has been completed, to return the question, with their decision certified thereon, to the Chairman"—(*Chairman*)—put, and *agreed to.*

Motion made, and Question proposed, That the following be a new Order:—" All questions respecting the rights of petitioners to be heard upon their petitions against any Private Bill, shall be referred to and decided by the Referees, previously to the sitting of the Committee upon such Bill"—(*Chairman*).—Amendments made.—Question put, and *negatived.*

Motion made, and Question, That the following be a new Order:—" The Chairman of Ways and Means shall decide upon all petitions as to the rights of the petitioners to be heard upon such petitions, without prejudice however to the powers of the Select Committee to which the Bill is referred to decide upon any question as to such rights arising incidentally in the course of the proceedings"—(Mr. *Hardy*)—put, and *agreed to.*

Standing Order 19 read, amended, and *agreed to.*

(Appendix A.) amended, and *agreed to.*

Standing Order 74, amended, and *agreed to.*

Standing Order 118, amended, and *agreed to.*

Standing Order 143 read.—Amendment proposed (line 13), after the word " Railway," to insert the words, " The amounts subscribed and paid by the persons named and described in the Schedule to the Bill, the *bona fides* of such subscription, and the correctness of the names, residences, and description of the subscribers"—(Mr. *Scourfield*).—Amendment, by leave, *withdrawn.*

Motion made, and Question proposed, That the following be a new Order:—" In every Railway Bill authorising the construction of new works, not being promoted by an existing Company possessed of a Railway already opened for public traffic, and paying a dividend upon their ordinary shares or stock, and not proposing to raise by shares a capital greater in amount than the sum of their existing authorised share capital, there shall be inserted a

Schedule containing the names, residences, and description of the subscribers to the undertaking, with the sums contributed and paid by them set opposite to their respective names, amounting in the aggregate to not less than 8 per cent. of the estimated cost. No single subscription to be for a less sum than 20*l.*"—(Mr. *Scourfield.*)—Motion, by leave, *withdrawn*

Standing Order 143 amended, and *agreed to.*

Standing Order 144 read.—Motion made, and Question proposed, to substitute instead thereof the following proposed new Order:—"It shall be an Instruction to the Committee on every Railway Bill, authorising the construction of any new railway, or the extension of time for the completion of any railway, in case they shall find the preamble to be proved, to insert one or other of such provisions as follows, viz.:—1. In every such Railway Bill, promoted by an existing Railway Company, being possessed of a Railway already opened for public traffic, and paying a dividend for the time being upon their ordinary shares or stock, and not proposing to raise a capital by shares greater in amount than the existing authorised share capital of the company, a clause providing that, after the expiration of a period specified in the Bill, not exceeding in the case of a new line five years, and in case of extension of time three years, from the passing of the Bill, the company shall be liable to a penalty of 50*l.* per day, to be recoverable as a debt due to the Crown, for every day after the period so limited, until such line shall be completed and opened for public traffic; but that no penalty shall accrue in respect of any time during which it shall appear, by a certificate to be obtained from the Board of Trade, that the company were prevented from completing or opening such line by unforeseen accident or circumstances beyond their control; but the want of sufficient funds shall not be deemed to be a circumstance beyond the control of the company. Provided that no company shall, by reason of such default as aforesaid, become liable to penalties which would exceed, in their aggregate amount, the proportion of 8 per cent. upon the share capital authorised by the Bill. 2. In every such Railway Bill, promoted by an existing Railway Company, not being possessed of a railway already opened for public traffic, or not paying a dividend for the time being upon their ordinary shares or stock, or seeking by such Bill to raise a capital by shares greater in amount than the existing authorised share capital of the company, a clause by which, after reciting the fact of the subscription having been made and the amount paid, as stated in the Schedule, it shall be enacted that, so soon as it shall be proved to the satisfaction of the Board of Trade that the company have paid up one-half of their authorised share capital, and have expended that amount on their undertaking, it shall be lawful for the company to withdraw the sum deposited, under the Standing Orders of this House, for the purpose of the undertaking; and thereupon they shall issue shares to the subscribers or their assigns, to the amount represented by their respective subscriptions"—(Mr. *Scourfield*).—Motion, by leave, *withdrawn.*

Standing Order 144, *agreed to.*

Motion made, and Question proposed, That the following be a new Order:—"The following clauses to be inserted in all Bills containing powers to companies to 'enter into traffic agreements,' or to 'work railways and steamboats,' respectively:—

"CLAUSE relative to Companies entering into Traffic Agreements.

"(Regulations as to Traffic Agreements.)

"The several powers to enter into and carry into effect traffic arrangements and agreements under this Act shall be subject to the several conditions and restrictions, and the several companies parties thereto shall observe the regulations hereinafter mentioned, (that is to say:—

"1. Every such traffic arrangement shall be carried out by a written agreement; before the companies enter into any traffic agreement, notice of their intention to do so shall be given by them, or one of them, in a form to be approved by the Board of Trade, inserted once at least in each of three successive weeks in some newspaper published in the county in which the principal office of each of the companies parties to such agreement is situate; and the notice shall state at what time copies of the proposed agreement will be deposited at the Board of Trade for public inspection, and within what time and in what manner any company or person affected by the proposed agreement, and desiring to object thereto, may bring the objection before the Board of Trade.

"2. The agreement shall not have any operation until it is approved by the Board of Trade, and the Board of Trade shall not approve the agreement without being satisfied that all the conditions and restrictions imposed by this Act have been complied with.

"3. After the agreement has been approved by the Board of Trade, the same shall be printed at the expense of the parties thereto, and three copies thereof shall be deposited at the Board of Trade.

"4. All companies and persons shall be entitled to inspect the proposed agreement, and also a copy of the agreement when completed, and to have copies thereof or extracts

extracts therefrom respectively, upon payment of such fee for such inspection or copies or extracts, and subject to such regulations as the Board of Trade shall from time to time direct.

"5. Every Company or person party to any such agreement shall, if required by any other Company or person not parties thereto, and conveying traffic by any route which is a competitive route with the route by which traffic is conveyed by any Company or person party to the said agreement between the same common points, enter into a similar agreement with the Company or person requiring the same, but subject in all respects to the conditions and restrictions imposed by this Act.

"6. If any question shall arise as to whether any route is a competitive route, so as to entitle any Company or person claiming the same to the benefit of an agreement under the last regulation, the Board of Trade, on the application of either Company, shall decide the same, and make such order thereon as they may think fit; and if by such order any Company or person party to an existing traffic agreement shall be ordered to enter into and carry into effect any similar agreement with any other Company or person, and shall fail to comply with such order within the time and in the manner therein directed, then the Company or person making such default shall be liable to a penalty of 100 *l.* a-day, to be paid to the Company or person for whose benefit such agreement shall have been directed to be entered into.

"Clause relative to Companies Owning or Working Railways and Steamboats.

"(Regulating Fares and Charges for Passengers and Traffic carried by Land and Sea.)

"If under the powers of this Act, or of any agreement thereunder, any Company or Companies become carriers of passengers and traffic by Railway and by sea at one through rate or charge for the whole distance, or at one through rate or charge for the sea route and any part of the Railway route on either side thereof, or both, then such Company or each of such Companies shall publish a monthly list of fares and charges showing the amount of such through rate or charges, and also the portion thereof which is attributed to the sea route used by such passengers or traffic, and the portion thereof which is attributed to the Railway route on either side thereof respectively; and during the month for which such list of fares and charges shall be published, no other fares or charges shall be taken in respect of the class of passengers or traffic to which such list of fares and charges apply, and any other Company conveying passengers or traffic by Railway to the ports of departure and arrival on such route shall be entitled to have such passengers and traffic carried over the sea route between the same ports at the rate attributed to passengers or traffic in such published list of fares and charges conveyed over the same sea route; and any Company or person conveying passengers or traffic over the sea route between the same ports shall be entitled to have such passengers and traffic carried over the Railway route between the same common points at the rate attributed to such Railway route in the said published list of fares and charges; and all passengers and traffic conveyed over the sea route only, or over the railway route (on either side) only, shall be entitled to the same privileges and advantages, and to be forwarded by the same trains and vessels without detention or delay, as the same classes of passengers and traffic conveyed at the same rate of fare or charge over the whole of the Railway and sea routes are entitled to according to the said published list of fares and charges, and the Train and Steamboat Time Tables to which they refer"—Mr. *Ayrton*).—Motion, by leave, *withdrawn.*

Standing Order 8 read, and *agreed to.*

Several other Orders amended, and *agreed to.*

[Adjourned to To-morrow, at Twelve.

Mercurii, 20° *die Julii*, 1864.

MEMBERS PRESENT:

Colonel WILSON PATTEN in the Chair.

Mr. Adair.	Mr. Lowe.
Mr. Hassard.	Mr. Ayrton.
Mr. Ingham.	Mr. Massey.
Mr. Scourfield.	Sir Henry Willoughby.

Standing Orders 108 and 111 read, and *omitted.*

Motion made, and Question, That the following be a new Order:—"If at any time during the sitting of a Committee, all the Members of the Committee shall not be present, the proceedings shall be suspended, and if at the expiration of one hour from the time at which the proceedings shall have been suspended, all the Members shall not be

present, the Committee shall stand adjourned till the next day on which the House shall sit, and then shall meet at the hour at which such Committee would have sat had no such adjournment taken place, and every such adjournment shall be reported to the House at its next sitting"—(Colonel *Wilson Patten*)—put, and *agreed to.*

Standing Order 113 read, amended, and *agreed to.*

Motion made, and Question, That the following be a new Order:—"If all the parties before a Committee shall consent to proceed with less than three Members, such consent shall be reported to the House, and, with the leave of the House, the Committee may proceed accordingly"—(Colonel *Wilson Patten*)—put, and *agreed to.*

Motion made, and Question proposed, That the following be a new Order:—

Bills for confirming Provisional Orders.

"Bills for the confirmation of Provisional Orders requiring the confirmation of Parliament to be brought in on or before the 1st day of May in each year, or, if the House be not then sitting, on the next day after the 1st day of May on which the House shall sit.

"There shall be eight clear days between the second reading of such Bill and the sitting of the Committee of the whole House thereon; and if, either previous to or not later than seven clear days after the second reading, any petition in which the petitioner or petitioners shall have prayed to be heard by their counsel, agents, and witnesses, be presented to the House by being deposited in the Private Bill Office, the Bill shall be referred to the Committee of Selection, and shall be in all respects dealt with as if the Bill were a Private Bill, until the Bill be reported to the House"—(*Chairman*).—Motion, by leave, *withdrawn.*

Ordered, To Report the Standing Orders, as revised by the Committee, to the House.

Ordered, to Report.

NOTE.

THE following STANDING ORDERS have been altered.

S. O. 7, 8, 19, Appendix A. to the same, and Schedule, and S. O. 74, have been altered.

New Orders 86 A., 86 B., 86 C., 86 D., 86 E., 86 F., 86 G., have been added.

S. O. 98, 99, 101, have been altered.

S. O. 108 and 111 have been omitted.

A new Order, 111 A., has been inserted instead of the last-mentioned Order.

S. O. 113 has been altered; a new Order, 113 A., has been inserted after it.

S. O. 118 has been altered.

S. O. 119 has been omitted, and a new Order, 119 A., has been inserted instead thereof.

S. O. 122, 128, 143, have been altered.

Appendix (A.) and Schedule have been altered.

An Amendment has been introduced in the Table of Fees.

STANDING ORDERS.

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1.

I.

APPOINTMENT OF COMMITTEES AND EXAMINERS OF PETITIONS FOR PRIVATE BILLS.

Appointment of Committees and Examiners of Petitions for Private Bills.

STANDING ORDERS.

I.

APPOINTMENT OF COMMITTEES AND EXAMINERS OF PETITIONS FOR PRIVATE BILLS.

1.

Examiners of Petitions.

THERE shall be one or more Officers of this House, to be called "THE EXAMINERS OF PETITIONS FOR PRIVATE BILLS," who shall be appointed by Mr. Speaker.

2.

Committee on Standing Orders.

There shall be a Committee, to be designated "THE SELECT COMMITTEE ON STANDING ORDERS," to consist of *Eleven* Members, who shall be nominated at the commencement of every Session, of whom *Five* shall be a Quorum.

3.

Committee of Selection.

There shall be a Committee, to be designated "THE COMMITTEE OF SELECTION," to consist of the Chairman of the Select Committee on Standing Orders, who shall be *ex-officio* Chairman thereof, and *Five* other Members, who shall be nominated at the commencement of every Session, of which Committee *Three* shall be a Quorum.

4.

General Committee on Railway and Canal Bills.

There shall be a Committee, to be designated "The General Committee on Railway and Canal Bills," which shall be nominated at the commencement of every Session by the Committee of Selection; of which Committee *Three* shall be a Quorum.

5.

Committee of Selection may discharge Members and add others.

The Committee of Selection may, from time to time, discharge Members from further attendance on such General Committee, and add other Members in their room, and shall appoint the Chairman of such Committee.

6.

General Committee to appoint Chairman.

The General Committee on Railway and Canal Bills shall appoint from among themselves the Chairman of each Committee on a Railway or Canal Bill, or on a Group of such Bills, and may change the Chairman so appointed from time to time.

Appointment of Committees and Examiners of Petitions for Private Bills.

Committees on Railway and Canal Bills.

7.

The Committee on every opposed Railway and Canal Bill, or Group of Railway and Canal Bills, shall be composed of Three Members not locally or otherwise interested in the Bill or Bills referred to them; the Chairman to be appointed by the General Committee on Railway and Canal Bills, and Two other Members by the Committee of Selection. (*See* also No. 95.)

Committees on Opposed Private Bills.

8.

The Committee on every opposed Private Bill (not being a Railway, Canal or Divorce Bill), or Group of Bills, shall be composed of a Chairman and Two Members not locally or otherwise interested in the Bill or Bills referred to them, to be appointed by the Committee of Selection.

Committees on Unopposed Private Bills.

9.

The Committee on every unopposed Private Bill (not being a Railway, Canal or Divorce Bill), shall, if the same shall have originated in this House, be composed of the Chairman of the Committee of Ways and Means, who shall be *ex-officio* Chairman of every such Committee, together with one of the Members ordered to prepare and bring in the Bill, and one other Member not locally or otherwise interested therein, such Members to be appointed by the Committee of Selection, and shall, if such Bill shall have been brought from the House of Lords, be composed of the Chairman, as aforesaid, and Two other Members, to be appointed by the Committee of Selection, of whom one at least shall not be locally or otherwise interested in the Bill; and the Chairman and one other Member of such Committee shall be the quorum thereof.

Committee on Divorce Bills.

10.

There shall be a Committee, to be designated "THE SELECT COMMITTEE ON DIVORCE BILLS," to consist of *Nine* Members, who shall be nominated at the commencement of every Session, of whom *Three* shall be a Quorum.

7.

In line 2, the word "Five" has been omitted, and the word "Three" has been inserted instead thereof.

In line 5, the word "Four" has been omitted, and the word "Two" has been inserted instead thereof.

8.

In line 3, the word "Four" has been omitted, and the word "Two" inserted instead thereof.

II.

THE TWO CLASSES OF PRIVATE BILLS.

The Two Classes of Private Bills.

II.

THE TWO CLASSES OF PRIVATE BILLS.

11.

For the purposes of the Standing Orders of this House, all Private Bills to which the Standing Orders are applicable shall be divided into the Two following Classes, according to the subjects to which they respectively relate:— Private Bills divided into Two Classes.

1st CLASS.—Burial Ground, Making, Maintaining or Altering. 1st CLASS.
Charters and Corporations, enlarging or altering Powers of.
Church or Chapel, Building, Enlarging, Repairing or Maintaining.
City or Town, Paving, Lighting, Watching, Cleansing or Improving.
Company, Incorporating or giving Powers to.
County Rate.
County or Shire Hall, Court House.
Crown, Church, or Corporation Property, or Property held in Trust for Public or Charitable Purposes.
Ferry.
Fishery, Making, Maintaining or Improving.
Gaol or House of Correction.
Land, Inclosing, Draining or Improving.
Letters Patent, Confirming, Prolonging or Transferring the Term of.
Local Court, Constituting.
Market or Market-place, Erecting, Improving, Repairing, Maintaining, or Regulating.
Police.
Poor, Maintaining or Employing.
Poor Rate.
Powers to sue and be sued, Conferring.
Stipendiary Magistrate, or any Public Officer, Payment of.

And

Continuing or amending an Act passed for any of the purposes included in this or the Second Class, where no further work than such as was authorized by a former Act is proposed to be made.

2d CLASS.—Making, Maintaining, Varying, Extending or Enlarging any 2d CLASS.

Aqueduct.
Archway.
Bridge.
Canal.
Cut.
Dock.
Drainage—making and maintaining any Cut for Drainage, being a new Work, where it is not provided in the Bill that the same shall not be more than Eleven feet width at the bottom.
Embankment for reclaiming Land from the Sea or any Tidal River.
Ferry, where any work is to be executed.
Harbour.
Navigation.
Pier.
Port.
Railway.
Reservoir.
Sewer.
Street.
Tunnel.
Turnpike or other Public Carriage Road.
Waterwork.

3.

III. Standing Orders, compliance with which is to be proved before the Examiners of Petitions for Private Bills.

III.

STANDING ORDERS, COMPLIANCE WITH WHICH IS TO BE PROVED BEFORE THE EXAMINERS OF PETITIONS FOR PRIVATE BILLS.

Standing Orders, compliance with which is to be proved before Examiners.

III.

STANDING ORDERS, COMPLIANCE WITH WHICH IS TO BE PROVED BEFORE THE EXAMINERS OF PETITIONS FOR PRIVATE BILLS; viz.

1. *Notices by Advertisement* - - - - - - - - - *p.* 13

2. *Notices and Applications to Owners, Lessees and Occupiers of Lands and Houses* - - - - - - - - - - - - *p.* 15

3. *Documents required to be deposited, and the Times and Places of Deposit* - - - - - - - - - - *p.* 17

4. *Form in which Plans, Books of Reference, Sections and Cross Sections shall be prepared* - - - - - - - - - - *p.* 21

5. *Estimates and Deposit of Money, and Declarations in certain cases* *p.* 23

12.

Compliance with the following Standing Orders shall be proved before one of the Examiners of Petitions for Private Bills; —*viz.*

1. *Notices by Advertisement.*

13.

Notices to state objects of application, when Bills will be deposited in Private Bill Office, and intention to seek for powers to purchase Lands, or to amalgamate, &c. or to levy or alter Tolls, to be stated.

In all cases where application is intended to be made for leave to bring in a Bill relating to any of the subjects included in either of the Two Classes of Private Bills, Notices shall be given stating the objects of such intended application, and the time at which copies of the Bill will be deposited in the Private Bill Office; and if it be intended to apply for powers for the compulsory purchase of Lands or Houses, or for extending the time granted by any former Act for that purpose, or to amalgamate with any other Company, or to sell or lease the Undertaking, or to purchase or take on lease the Undertaking of any other Company, or to amend or repeal any former Act or Acts, or to levy any Tolls, Rates or Duties, or to alter any existing Tolls, Rates or Duties, or to confer, vary or extinguish any exemptions from payment of Tolls, Rates or Duties, or to confer, vary or extinguish any other rights or privileges, the Notices shall specify such intention; and the whole of the Notice relating to the same Bill shall be included in the same Advertisement, which shall be headed by a short title, descriptive of the Undertaking or Bill, (and *see* Order 67).

14.

In Second Class Bills, Notices to contain Names of Parishes, &c.

In cases of Bills included in the Second Class, and of Bills of the First Class, in respect to which Plans are required to be deposited, such Notices shall also contain a description of all the Termini, together with the Names of the Parishes, Townships, Townlands and extra-parochial places from, in, through or into which the Work is intended to be made, maintained, varied, extended or enlarged, or in which any lands or houses intended to be taken are situate, and shall state the time and place of deposit of the Plans, Sections, Books of Reference and Copies of the Gazette Notice respectively, with the Clerks of the Peace, Sheriff Clerks, Parish Clerks, Clerks of Vestries or District Boards, Schoolmasters, Session Clerks, Town Clerks and Clerks of Unions, as the case may be. (*See* Nos. 29, 30, 36 & 37.)

Standing Orders, compliance with which is to be proved before Examiners.

15.

In cases of Bills respecting any Burial Ground, Cemetery or Gas Works, the Notices shall set forth and specify the limits within which such Burial Ground, Cemetery or Gas Works are intended to be erected or made.

Notices to specify limits of Burial Ground or Gas Works.

16.

Cuts, Canals, Navigations, &c.

When it is intended to divert Water from an existing Cut, &c.

In all cases where it is proposed to divert into any intended Cut, Canal, Reservoir, Aqueduct or Navigation, or into any intended variation, extension or enlargement thereof respectively, any Water from any existing Cut, Canal, Reservoir, Aqueduct or Navigation, whether directly or derivatively, and whether under any agreement with the Proprietors thereof or otherwise, the Notices shall contain the name of every such existing Cut, Canal, Reservoir, Aqueduct or Navigation, the Waters supplying which will either directly or derivatively flow or proceed into any such intended Cut, Canal, Reservoir, Aqueduct or Navigation, or into any intended variation, extension or enlargement thereof.

Letters Patent.

17.

Name of Invention to be prefixed in Capitals to Notice.

In cases of Bills for confirming or prolonging the terms of Letters Patent, each Notice shall have prefixed to it in Capital Letters the name by which the Invention is usually distinguished, and shall contain a distinct description of the Invention for which such Letters Patent have been obtained, and also an account of the Term of their Duration.

18.

Publication of Notices in Gazettes and Newspapers.

In the months of *October* and *November*, or either of them, immediately preceding the Application for a Bill, such Notices shall be published *once* in the *London*, *Edinburgh* or *Dublin Gazette*, as the case may be, and in Three successive Weeks in some one and the same Newspaper of the County in which the City, County of a City, Town, County of a Town, or Lands to which such Bill relates shall be situate; or if there be no Newspaper published therein, then in the Newspaper of some County adjoining or near thereto; and if such Bill relate specially to any particular City, County of a City, Town or County of a Town, in which any Newspaper is published, such Notices shall be published in Three successive Weeks, in one and the same Newspaper published therein; or if such Bill do not relate to any particular City, County of a City, Town, County of a Town or Lands, such Notices shall be published once in the *London*, *Edinburgh* or *Dublin Gazette* only, as the case may be; and if such Bill relate to Lands situate in more than one County, such Notices shall be inserted once in each of Three successive Weeks, in some Newspaper or Newspapers which shall be published in *London* at least Six Days in the Week, or in *Edinburgh* or *Dublin* at least Two Days in the Week, as the case may be, and in a Newspaper of the County in which the principal Office of the Company or Companies or other parties who are the Promoters of any such Bill, shall be situate, and in a Newspaper of every County in which any new Works are proposed to be constructed, or in which any lands are situate in respect of which any new or further powers for the completion of Works already authorized are intended to be applied for.

2. *Notices*

19.

After (A.) at the end of the Order, these words have been added: "All such Notices shall be accompanied by a copy of the Standing Orders which regulate the time and mode of presenting Petitions in opposition to Bills.

Standing Orders, compliance with which is to be proved before Examiners.

2. *Notices and Applications to Owners, Lessees and Occupiers of Lands and Houses.*

19.

Application to Owners, &c. on or before 15th December.

On or before the 15th day of *December* immediately preceding the application for a Bill by which any Lands or Houses are intended to be taken, or an extension of the time granted by any former Act for that purpose is sought, application in writing shall be made to the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of all lands and houses so intended to be taken, or which may be taken as being within the limits of deviation defined upon the Plan; and in cases of Bills included in the second class, such application shall be, as nearly as may be, in the form set forth in the Appendix marked (A.) All such Notices shall be accompanied by a copy of the Standing Orders which regulate the time and mode of presenting Petitions in opposition to Bills.

20.

How Application to be made.

Such application shall be made by delivering the same personally to every such party, or by leaving the same at his usual place of abode, or, in his absence from the United Kingdom, with his agent, on or before the 15th day of *December*, or by forwarding the same by post in a registered letter, addressed with a sufficient direction to his usual place of abode, and posted on or before the 12th day of *December*, at the chief Post Office in *London*, *Manchester*, *Liverpool*, *Birmingham*, *Leeds*, *Newcastle-upon-Tyne*, *Norwich*, *Lincoln*, *Shrewsbury*, *Bristol*, *Exeter*, *Edinburgh*, *Glasgow*, *Aberdeen*, *Inverness*, *Dublin*, *Belfast*, *Cork* or *Athlone*, at such hours and according to such regulations as the Postmaster General shall from time to time appoint, for the posting and registration of such letters.

21.

Written acknowledgment of Party applied to, and, in case of Application or Notice by post, Post Office Receipt, sufficient evidence.

In all cases the written acknowledgment of the party applied to shall, in the absence of other proof, be sufficient evidence of an application having been made, or notice given; and in case of an application or notice having been forwarded by post, in a registered letter, the production of the Post Office receipt for such letter, duly stamped, in such form as the Postmaster General shall have appointed, shall be sufficient evidence of the due delivery of such letter; Provided it shall appear that the same was properly and sufficiently directed, and that the same was not returned by the Post Office as undelivered.

22.

Lists of Owners, &c. assenting, dissenting and neuter.

Separate Lists shall be made of the Names of such Owners, Lessees and Occupiers, distinguishing those who have assented, dissented or are neuter in respect to such application, or who have returned no answer thereto; and where no written acknowledgment has been returned to an application forwarded by post, or where such application has been returned as undelivered at any time before the making up of such lists, the direction of the letter in which the same was so forwarded shall be inserted therein. (*See* Order 42, directing the deposit of the said Lists in the Private Bill Office.)

Standing Orders, compliance with which is to be proved before Examiners.

23.

Notices when it is proposed to abstract Water from any Stream.

On or before the Fifteenth day of December immediately preceding the application for a Bill, whereby it is proposed to abstract Water from any Stream for the purpose of supplying any Cut, Canal, Reservoir, Aqueduct, Navigation, or Waterwork, notice in writing of such Bill shall be given to the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of all Mills and Manufactories or other Works using the Waters of such Stream for a distance of Twenty miles below the point at which such Water is intended to be abstracted, such distance to be measured along the course of such Stream, unless such Waters shall, within a less distance than Twenty miles, fall into or unite with any navigable Stream, and then only to the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Mills and Manufactories as aforesaid, which shall be situate between the point at which such Water is proposed to be abstracted, and the point at which such Water shall fall into or unite with such navigable Stream; and such notice shall state the name (if any) by which the Stream is known at the point at which such Water shall be immediately abstracted, and also the Parish in which such point is situate, and the time and place of deposit of Plans, Sections, and Books of Reference, and Copies of the Gazette notice respectively with the Clerks of the Peace and Sheriff Clerks, as the case may be.

Burial Grounds and Gas Works.

24.

Notice to Owners and Occupiers of Houses.

On or before the *Fifteenth* day of *December* immediately preceding the Application for any Bill for making a Burial Ground or Cemetery, or the erection of Works for the manufacture of Gas, Notice shall be served upon the Owner, Lessee, and Occupier of every Dwelling House situated within 300 Yards of the limits within which the proposed Burial Ground, Cemetery or Gas Works are intended to be erected or made.

Crown, &c. Property.

25.

Notice to Owners, &c.

Previously to the deposit of a Petition for leave to bring in a Bill relating to Crown, Church or Corporation Property, or Property held in Trust for Public or Charitable Purposes, or before the First Reading of any such Bill brought from the House of Lords, Notice in writing of such Application to Parliament shall be served upon the Owners or reputed Owners of such Property, and the Lessees or reputed Lessees of such Property, holding Leases granted for a life or lives, or for any term of Twenty-one Years or upwards.

26.

Alteration or Repeal of Provisions, Notice to Owners, &c.

Previously to the deposit of a Petition for leave to bring in a Bill, whereby any express statutory provision then in force for the protection of the Owner, Lessee, or Occupier of any Property, or for the protection or benefit of any public Trustees or Commissioners, Corporation or Person, specifically named in such provision, is sought to be altered or repealed (except in cases where the consent of such parties is by Standing Order 161, required to be proved before the Committee on the Bill), Notice in writing of such Bill, and of the intention to alter or repeal such provision, shall be served upon every such Owner, Lessee, or Occupier, Public Trustees or Commissioners, Corporation or Person.

27.

Standing Orders, compliance with which is to be proved before Examiners.

Previously to the deposit of a Petition for leave to bring in a Bill whereby the whole or any part of a Work authorized by any former Act is intended to be relinquished, Notices in writing of such Bill shall be served upon the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands in which any part of the said Work intended to be thereby relinquished is situate; and the Notices required by this Order and by Orders 23, 24, 25, and 26 shall be served, and the service thereof proved, in the manner directed by Standing Orders, Nos. 20 and 21.

Relinquishment of Works.

Notice to Owners, &c., when the Bill is to abridge any Public Works.

28.

Time for serving Notices and Applications.

No Notice served or Application made on a Sunday or Christmas Day, or before Eight o'clock in the forenoon, or after Eight o'clock in the afternoon of any day, shall be deemed valid, except in the case of delivery of letters by post.

3. *Documents required to be deposited, and the Times and Places of Deposit.*

Deposits on or before the 30th November.

29.

Plans and Books of Reference, and Sections, with Clerk of the Peace.

In cases of Bills of the Second Class, a Plan and also a Duplicate thereof, together with a Book of Reference thereto, and a Section and also a Duplicate thereof, as hereinafter described; and in cases of Bills of the First Class, by which any lands or houses are intended to be taken, a Plan and Duplicate thereof, together with a Book of Reference, shall be deposited for public inspection at the office of the Clerk of the Peace for every County, Riding or Division in *England* or *Ireland*, or in the Office of the Principal Sheriff Clerk of every County in *Scotland*, and where any county in *Scotland* is divided into districts or divisions, then in the office of the Principal Sheriff Clerk in or for each district or division in or through which the Work is proposed to be made, maintained, varied, extended or enlarged, or in which such lands or houses are situate, on or before the 30th day of *November* immediately preceding the Application for the Bill.

30.

Published Map to be deposited with Clerk of Peace, &c.

In the case of Railway Bills, a published Map, to a scale of not less than half an inch to a mile, (or in Ireland, to a scale of not less than a quarter of an inch to a mile,) with the line of Railway delineated thereon, so as to show its general course and direction, shall, on or before the 30th day of November, be deposited at the Office of the Clerk of the Peace, or Sheriff Clerk, together with the Plans, Sections and Book of Reference.

31.

Clerks of Peace to indorse a Memorial on Plans, &c.

The Clerks of the Peace or Sheriff Clerks, or their respective Deputies, shall make a Memorial in writing upon the Plans, Sections and Books of Reference so deposited with them, denoting the time at which the same were lodged in their respective offices, and shall at all seasonable hours of the day permit any person to view and examine one of the same, and to make copies or extracts therefrom; and *one* of the two Plans and Sections so deposited, shall be sealed up and retained in the possession of the Clerk of the Peace or Sheriff Clerk until called for by order of one of the Two Houses of Parliament. (*See* Appendix, Act 1 Vict. c. 83.)

Standing Orders, compliance with which is to be proved before Examiners.

32.

Tidal Lands.

Plans, &c., in certain cases to be deposited at Admiralty and Board of Trade.

In cases where the work shall be situate on Tidal Lands within the ordinary Spring Tides, a copy of the Plans and Sections shall, on or before the 30th day of *November*, be deposited at the Offices of the Board of Admiralty and of the Board of Trade.

33.

Railways.

Plans, &c. at the Office of the Board of Trade.

In the case of Railway Bills, a Copy of all Plans, Sections, and Books of Reference, required by the Orders of the House to be deposited in the Office of any Clerk of the Peace or Sheriff Clerk, on or before the 30th day of November immediately preceding the application for the Bill, together with the said published Map, with the Line of Railway delineated thereon, so as to show its general course and direction, shall on or before the same day be deposited in the Office of the Board of Trade.

34.

Deposit of Plans, &c. in Private Bill Office.

On or before the 30th day of *November*, a copy of the said Plans, Sections and Books of Reference, and in the case of Railway Bills, also a copy of the said published Map, with the line of Railway delineated thereon, shall be deposited in the Private Bill Office of this House

35.

Deposit of Plans, &c., with Metropolitan Board of Works.

In cases where any portion of the Work shall be situate within the limits of the Metropolis, as defined by the "Metropolis Management Act, 1855," a Copy of so much of the Plans and Sections as relates to such portion of the Work shall, on or before the 30th day of November, be deposited at the Office of the Metropolitan Board of Works.

36.

Parish Plan, Section and Book of Reference, with Parish Clerk, &c.

On or before the 30th day of *November*, a copy of so much of the said Plans and Sections as relates to each Parish in or through which the Work is intended to be made, maintained, varied, extended or enlarged, or in which any lands or houses, intended to be taken, are situate (*see* Fig. 5.), together with a copy of so much of the Book of Reference as relates to such Parish, shall be deposited with the Parish Clerk of each such Parish in *England*, or, in the case of any Extra-parochial Place, with the Parish Clerk of some Parish immediately adjoining thereto, or in case of any place within the limits of the Metropolis, as defined by the Act 18 and 19 Vict. c. 120, intituled, "An Act for the better Local Management of the Metropolis," except the City of London, with the Clerk of the Vestry of each Parish in Schedule A., and with the Clerk of the District Board of Parishes in Schedule B. of the said Act; with the Schoolmaster of each such Parish in *Scotland*, or if there be no Schoolmaster of any such Parish, then with the Session Clerk, or in Royal Burghs with the Town Clerk, and with the Clerk of the Union within which such Parish is included in *Ireland*. (*See* Appendix, Act 1 Vict. c. 83.)

37.

Gazette Notice to be deposited with Plans, &c. with Clerks of Peace, Parish Clerks, &c.

Wherever any Plans, Sections and Books of Reference, or parts thereof, are required to be deposited, a Copy of the Notice published in the *Gazette* of the intended application to Parliament shall be deposited therewith.

Deposits

Standing Orders, compliance with which is to be proved before Examiners.

Deposits on or before the 23d December.

38.

Every Petition for a Private Bill, headed by a short Title descriptive of the Undertaking or Bill, corresponding with that at the head of the Advertisement, with a Declaration, signed by the Agent, and a printed copy of the Bill annexed, shall be deposited in the Private Bill Office on or before the 23d day of December; and such Petition, Bill and Declaration shall be open to the inspection of all parties; and printed copies of the Bill shall also be delivered therewith for the use of any Member of The House or Agent who may apply for the same.

Petition for Bill, &c., to be deposited in Private Bill Office.

39.

Such Declaration shall state to which of the two Classes of Bills such Bill in the judgment of the Agent belongs; and if the proposed Bill shall give power to effect any of the following objects; that is to say:—

Declaration of Agent as to Class of Bill, and Powers thereof, to be annexed to Petition.

Power to take any lands or houses compulsorily, or to extend the time granted by any former Act for that purpose:

Power to levy tolls, rates or duties, or to alter any existing tolls, rates or duties; or to confer, vary or extinguish any exemption from payment of tolls, rates or duties, or to confer, vary or extinguish any other right or privilege:

Power to amalgamate with any other Company, or to sell or lease their Undertaking, or to purchase or take on lease the Undertaking of any other Company:

Power to interfere with any Crown, Church or Corporation property, or property held in trust for public or charitable purposes:

Power to relinquish any part of a work authorized by a former Act:

Power to divert into any intended cut, canal, reservoir, aqueduct or navigation, or into any intended variation, extension or enlargement thereof respectively, any water from any existing cut, canal, reservoir, aqueduct or navigation, whether directly or derivatively, and whether under any agreement with the proprietors thereof, or otherwise:

Power to make, vary, extend or enlarge any cut, canal, reservoir, aqueduct or navigation:

Power to make, vary, extend or enlarge any Railway.

The said Declaration shall state which of such powers are given by the Bill, and shall indicate in which clauses of the Bill (referring to them by their number) such powers are given, and shall further state that the Bill does not give power to effect any of the objects enumerated in this Order, other than those stated in the Declaration.

If the proposed Bill shall not give power to effect any of the objects enumerated in the preceding Order, the said Declaration shall state that the Bill does not give power to effect any of such objects.

Standing Orders, compliance with which is to be proved before Examiners.

The said Declaration shall also state that the Bill does not give any powers, other than those included in the Notices for the Bill.

40.

Copy of Railway, &c. Bills to be deposited at Board of Trade, and of Navigation, &c. Bills with Admiralty, &c., and of Turnpike Bills with the Secretary of State.

On or before the 23d day of *December*, a printed Copy of every Railway and Canal Bill, and of every Bill for incorporating or giving powers to any Company, shall be deposited in the Office of the Board of Trade, a printed copy of every Bill relating to any Dock, Harbour, Navigation, Pier or Port shall be deposited in the Office of the Board of Admiralty and in the Office of the Board of Trade, and a printed copy of every Bill relating to Turnpike Roads at the Office of the Secretary of State for the Home Department.

41.

Copy of Bills relating to Works within limits of the Metropolis to be deposited with the Metropolitan Board of Works.

On or before the 23d day of December, a printed Copy of every Bill of the Second Class, whereby any Work shall be authorised within the limits of the Metropolis, as defined by "The Metropolis Management Act, 1855," shall be deposited at the Office of the Metropolitan Board of Works.

Deposits on or before the 31st December.

42.

Other Documents required to be deposited in Private Bill Office.

On or before the 31st day of December there shall be also deposited in the Private Bill Office all Estimates, Declarations, and Lists of Owners, Lessees and Occupiers, which are required by the Standing Orders of the House.

43.

Documents to be deposited in Private Bill Office in regard to Joint Stock Companies Bills.

As respects all Bills for the incorporation of Joint Stock Companies, or proposed Companies for carrying on any Trade or Business, or for conferring upon such Companies the power of suing and being sued, there shall be deposited in the Private Bill Office, on or before 31st December, a copy of the Deed or Agreement of Partnership (if any) under which the Company or proposed Company is acting, and in all cases a Declaration stating the following matters:—

1st.—The present and proposed amount of the Capital of the Company.

2d.—The number of Shares, and the amount of each Share.

3d.—The number of Shares subscribed for.

4th.—The amount of Subscriptions paid up.

5th.—The names, residences and descriptions of the Shareholders or Subscribers (so far as the same can be made out), and of the actual or provisional Directors, Treasurers, Secretaries or other officer, if any.

And such documents shall be verified by the signature of some authorized officer of the Company or proposed Company (if any), and by some responsible party promoting the Bill; and copies of such Declarations shall be printed at the expense of the Promoters of the Bill, and delivered at the Vote Office for the use of the Members of the House, and at the Private Bill Office for the use of any Agent who may apply for the same.

44. On

44.

Standing Orders, compliance with which is to be proved before Examiners.

On or before 31st December, copies of the Estimate of Expense of the Undertaking; and where a Declaration alone, or Declaration and Estimate of the probable amount of Rates and Duties, are required, copies of such Declaration, or of such Declaration and Estimate, shall be printed at the expense of the Promoters of the Bill, and delivered at the Vote Office for the use of the Members of The House, and at the Private Bill Office for the use of any Agent who may apply for the same.

Copies of Estimate, Declaration, &c., to be printed, and delivered in Vote Office and Private Bill Office.

45.

No Deposit shall be deemed valid if made on a Sunday or Christmas Day, or before Eight o'clock in the forenoon, or after Eight o'clock in the afternoon of any day.

Deposit not valid on Sunday, &c.

4. *Form in which Plans, Books of Reference, Sections and Cross-Sections shall be prepared.*

46.

Plans.

Every Plan required to be deposited shall be drawn to a scale of not less than *Four* inches to a Mile, and in the case of Bills of the First Class, shall describe the lands intended to be taken, and in the case of Bills of the Second Class, shall describe the line or situation of the whole of the Work (no alternative line or Work being in any case permitted), and the lands in or through which it is to be made, maintained, varied, extended or enlarged, or through which every communication to or from the Work shall be made; and where it is the intention of the Parties to apply for powers to make any lateral deviation from the line of the proposed Work, the limits of such deviation shall be defined upon the Plan, and all Lands included within such limits shall be marked thereon; and unless the whole of such Plan shall be upon a scale of not less than a *quarter* of an *inch* to every 100 feet, an enlarged Plan shall be added of any Building, Yard, Court-Yard or Land within the curtilage of any Building, or of any Ground cultivated as a Garden, either in the line of the proposed Work, or included within the limits of the said deviation, upon a scale of not less than a *quarter* of an *inch* to every 100 feet. (*See* Fig. 3.)

Description of Plans.

Lands within Deviation to be on Plan.

Buildings, &c. on enlarged Scale.

47.

In all cases where it is proposed to make, vary, extend or enlarge any Cut, Canal, Reservoir, Aqueduct or Navigation, the Plan shall describe the Brooks and Streams to be directly diverted into such intended Cut, Canal, Reservoir, Aqueduct or Navigation, or into any variation, extension or enlargement thereof respectively, for supplying the same with Water.

Plan to describe Brooks, &c. to be diverted.

48.

In all cases where it is proposed to make, vary, extend, or enlarge any Railway, the Plan shall exhibit thereon the distances in miles and furlongs, from one of the termini; and a memorandum of the radius of every curve not exceeding One Mile in length shall be noted on the Plan in furlongs and chains; and where tunnelling as a substitute for open cutting is intended, such tunnelling shall be marked by a dotted line on the Plan.

Distances to be marked in Miles and Furlongs, and memorandum of Curves and Tunnelling.

Standing Orders, compliance with which is to be proved before Examiners.

49.

Diversion and widening or narrowing of Roads, &c. to be shown.

If it be intended to divert, widen or narrow any Turnpike Road, Public Carriage Road, Navigable River, Canal or Railway, the course of such diversion, and the extent of such widening or narrowing, shall be marked upon the Plan.

50.

Book of Reference.

Contents of Book of Reference.

The Book of Reference to every such Plan shall contain the names of the Owners or Reputed Owners, Lessees or Reputed Lessees, and Occupiers of all Lands and Houses in the Line of the proposed Work, or within the limits of deviation as defined upon the Plan, and shall describe such Lands and Houses respectively.

Sections.

51.

Section to be drawn to a scale of not less than one inch to every 100 feet.

The Section shall be drawn to the same horizontal scale as the Plan, and to a vertical scale of not less than *one inch* to every 100 feet, and shall show the surface of the ground marked on the Plan, the intended level of the proposed Work, the height of every Embankment and the depth of every Cutting, and a datum horizontal line, which shall be the same throughout the whole length of the Work, or any Branch thereof respectively, and shall be referred to some fixed point (stated in writing on the section), near some portion of such Work, and in the case of a Canal, Cut, Navigation, Turnpike or other Carriage-road or Railway, near either of the Termini. (*See* line D. D., Fig. 2.)

52.

Section to specify level of both banks.

In cases of Bills for improving the Navigation of any River, there shall be a Section which shall specify the Levels of both Banks of such River; and where any alteration is intended to be made therein, it shall describe the same by Feet and Inches, or decimal parts of a foot.

53.

Line of Railway on Section to correspond with upper surface of Rails.

In every Section of a Railway, the Line of the Railway marked thereon shall correspond with the upper surface of the rails. (*See* line S. S. Fig. 2.)

54.

Vertical measures to be marked at change of gradient.

Distances on the Datum Line shall be marked in miles and furlongs, to correspond with those on the Plan; a vertical measure from the Datum Line to the Line of the Railway shall be marked in feet and inches, or decimal parts of a foot, at each change of the gradient or inclination; and the proportion or rate of inclination between each such change shall also be marked.

55. Wherever

Standing Orders, compliance with which is to be proved before Examiners.

55.

Wherever the line of the Railway is intended to cross any turnpike-road, public carriage-road, navigable River, Canal or Railway, the height of the Railway over or depth under the surface thereof, and the height and span of every Arch of all Bridges and Viaducts, by which the Railway will be carried over the same, shall be marked in figures at every crossing thereof; and where the Railway will be carried across any such turnpike-road, public carriage-road or Railway, on the level thereof, such crossing shall be so described on the Section; and it shall also be stated if such level will be unaltered.

Height of Railway over, or depth under surface of Roads, &c. to be marked, and Bridges and Level Crossings.

56.

If any alteration be intended in the water level of any Canal, or in the level or rate of inclination of any turnpike-road, public carriage-road, or Railway, which will be crossed by the line of Railway, then the same shall be stated on the said Section, and each alteration shall be numbered; and Cross Sections, in reference to the said numbers, on a horizontal scale of not less than one inch to every 330 feet, and on a vertical scale of not less than one inch to every 40 feet, shall be added, which shall show the present surface of such Canal, Road or Railway, and the intended surface thereof when altered; and the greatest of the present and intended rates of inclination of such Road or Railway shall also be marked in figures thereon; and where any public carriage-road is crossed on the level, a Cross Section of such road shall also be added; and all such Cross Sections shall extend for 200 yards on each side of the centre line of the Railway. (*See* Fig. 4.)

Cross Sections of Canals, Roads, &c. crossed by the Railway when level or rate of inclination altered.

57.

Wherever the extreme height of any embankment, or the extreme depth of any cutting shall exceed Five Feet, the extreme height over or depth under the surface of the ground shall be marked in figures upon the Section; and if any Bridge or Viaduct of more than three arches shall intervene in any Embankment, or if any Tunnel shall intervene in any Cutting, the extreme height or depth shall be marked in figures on each of the parts into which such Embankment or Cutting shall be divided by such Bridge, Viaduct or Tunnel.

Embankments and Cuttings.

58.

Where tunnelling, as a substitute for open cutting, or a viaduct as a substitute for solid embankment, is intended, the same shall be marked on the Section.

Tunnelling and Viaduct to be marked.

5. Estimates and Deposit of Money, and Declarations in certain cases.

59.

An Estimate of the Expense of the Undertaking under each Bill of the Second Class shall be made and signed by the person making the same. (*See* as to depositing Estimate in Private Bill Office, No. 42.)

Estimate in Bills of the Second Class.

Standing Orders, compliance with which is to be proved before Examiners.

60.

Eight per cent. and Four per cent. of Estimate to be deposited.

In the case of a Railway Bill a sum not less than 8 per cent. on the amount of the Estimate of expense, and in the case of all other Bills a sum not less than 4 per cent. on the amount of such Estimate shall, previously to the 15th day of January, be deposited with the Court of Chancery in *England*, if the Work is intended to be done in *England*, or with the Court of Chancery in *England*, or the Court of Exchequer in *Scotland*, if such Work is intended to be done in *Scotland*, and with the Court of Chancery in *Ireland*, if such Work is intended to be done in *Ireland*. (*See* Appendix C.)

61.

Cases wherein Declaration is deposited.

Where the Work is to be made, wholly or in part, by means of Funds, or out of Money to be raised upon the credit of present Surplus Revenue, belonging to any Society or Company, or under the control of Directors, Trustees, or Commissioners, as the case may be, of any existing Public Work, such parties being the Promoters of the Bill, a Declaration stating those facts, and setting forth the nature of such control, and the nature and amount of such Funds or Surplus Revenue, and showing the actual Surplus of such Funds or Revenue, after deducting the Funds required for purposes authorized by any Act or Acts of Parliament, and also the Funds which may be required for any other Work to be executed under any Bill in the same Session, and given under the common seal of the Society or Company, or under the hand of some authorized Officer of such Directors, Trustees or Commissioners, may be deposited, and in such case no deposit of Money shall be required in respect of so much of the Estimate of Expense as shall be provided for by such surplus Funds. (*See* as to deposit of Declaration in Private Bill Office, No. 42.)

62.

Declaration and Estimate of Amount of Rates may be deposited.

In cases where the Work is to be made out of Money to be raised upon the Security of the Rates, Duties or Revenue to be created by or to arise under any Bill, under which no private or personal pecuniary profit or advantage is to be derived, a Declaration stating those facts, and setting forth the means by which Funds are to be obtained for executing the Work, and signed by the Party or Agent soliciting the Bill, together with an Estimate of the probable amount of such Rates, Duties or Revenue, signed by the Person making the same, may be deposited, and in such case no deposit of Money shall be required. (*See* as to deposit of Estimate and Declaration in Private Bill Office, No. 42.)

In cases of Bills brought from the House of Lords.

63.

Deposit of Railway Bills at Board of Trade.

In the case of Railway Bills brought from the House of Lords, a Copy of every Bill, as brought into the House of Commons, shall be deposited in the Office of the Board of Trade, not later than Two Days after the Bill is read a First time.

64. Where

Standing Orders, compliance with which is to be proved before Examiners.

64.

Where any alteration shall have been made, or shall be desired by the parties to be made, in any Bill brought from the House of Lords after the introduction of the Bill into Parliament, in any Work the Bill for which shall be included in the Second Class of Bills hereinbefore mentioned, and the Plans and Sections for which shall have been deposited and the Notices for which shall have been given as before mentioned, a Plan and Section of such alteration, on the same Scale and containing the same particulars as the original Plan and Section, together with a Book of Reference thereto, shall be deposited with the Clerk of the Peace of every County, Riding, or Division in England or Ireland, and in the Office of the Sheriff Clerk of every County in Scotland, and where any County in Scotland is divided into Districts or Divisions then in the Office of the Principal Sheriff Clerk in and for each District or Division in which such alteration is proposed to be made; and a Copy of such Plan and Section, so far as relates to each Parish, together with a Book of Reference thereto, shall be deposited with the Parish Clerks of each such Parish in England, or, in the case of any extra-parochial Place, with the Parish Clerk of some Parish immediately adjoining thereto, with the Schoolmaster of each such Parish in Scotland, or if there be no Schoolmaster of any such Parish, then with the Session Clerk, or in Royal Burghs with the Town Clerk, and the Clerk of the Union within which such Parish in Ireland is included, in which such alteration is intended to be made, One Month previously to the introduction of the Bill for making such Work into this House; and the intention to make such alteration shall be published in manner before directed in the London, Edinburgh, or Dublin Gazette, as the case may be, and some one and the same Newspaper of the County in which such alteration shall be situate, or if there be no such Paper printed therein, then in the Newspaper of some County adjoining thereto, for Three successive Weeks previously to the introduction of the Bill into this House; and personal application, with a Notice in writing in the form hereinbefore mentioned, shall be made to the Owners or reputed Owners, Lessees or reputed Lessees, or in their absence from the United Kingdom, to their Agents respectively, and to the Occupiers of Lands through which any such alteration is intended to be made; and the consent of such Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers, to the making of such alteration, shall be proved before the Examiner.

Notices to be given and Deposits made in cases where Work is altered while Bill is in Parliament.

65.

Previous to any Bill for making any Work, the Bill for which shall be included in the Second Class of Bills hereinbefore mentioned, being brought to this House from the Lords, in which any alteration has been made in its progress through Parliament, a Map or Plan and Section of such Work, showing any variation, extension, or enlargement which is intended to be made in consequence of such alteration, shall be deposited in the Private Bill Office; and such Map or Plan and Section shall be on the same Scale and contain the same particulars as the original Map or Plan and Section of the said Work.

Deposit of altered Plan and Section in Private Bill Office.

66.

Bill to be submitted to a meeting of Proprietors in Incorporated Companies in certain cases.

In the case of every Bill brought from the House of Lords to empower any Company already constituted by Act of Parliament to execute, undertake, or contribute towards any work other than that for which it was originally established, or to sell or lease their undertaking, or any part thereof, or to amalgamate the same, or any part thereof, with any other undertaking, or to abandon their undertaking, or any part thereof, or to dissolve the said Company, the Examiner shall report as to compliance or non-compliance with the following Order:

1st. The Bill, as proposed to be introduced into this House, shall be submitted to a meeting of the Proprietors of such Company at a meeting held specially for that purpose.

2d. Such meeting shall be called by advertisement inserted for two consecutive weeks in a morning newspaper published in London, Edinburgh, or Dublin, as the case may be, and in a newspaper of the county or counties in which the principal office or offices of the Company is or are situate; and also by a circular addressed to each proprietor at his last known or usual address, and sent by post, or delivered at such address, not less than ten days before the holding of such meeting, enclosing a blank form of proxy, with proper instructions for the use of the same; and the same form of proxy and the same instructions, and none other, shall be sent to every such proprietor; but no such form of proxy shall be stamped, nor shall the funds of the Company be used for the stamping any proxies, except the Company shall at a general meeting determine otherwise, in which case a stamped proxy shall be sent to each proprietor, with such instructions as aforesaid.

3d. Such meeting shall be held not earlier than seven days after the last insertion of such advertisement.

4th. At such meeting the said Bill shall be submitted to the proprietors aforesaid then present, and approved of by proprietors, present in person or by proxy, holding at least three-fourths of the paid-up capital of the Company represented at such meeting, such proprietors being qualified to vote at the meeting in right of such capital.

67.

Proof to be required before Examiner of consent of Proprietors of any Company to sum authorised to be raised in aid of undertaking of another Company.

When in any Bill a provision is inserted authorising any Company to subscribe towards or to guarantee or to raise any money in aid of the undertaking of another Company (which Bill is not brought in by the Company so authorised, or of which such Company is not a joint promoter), proof shall be required before the Examiner that the Company so authorised has consented to such subscription, guarantee, or raising of money, at a meeting of the proprietors of the ordinary shares in such Company, held specially for that purpose, in the same manner and subject

subject to the same provisions as the meeting directed to be held under Standing Order 66, and that such consent was given by such proprietors, present in person or by proxy, holding at least three-fourths of the ordinary paid-up capital of the Company represented at such meeting, such proprietors being qualified to vote at the meeting in right of such capital; and that the Notices for the Bill state the sum authorised to be subscribed, or guaranteed or raised, and also state that the consent of the Company has been given as aforesaid; in any case in which such consent has been given, it shall not be necessary to submit the Bill, in respect of such provision as aforesaid, to the approval of a meeting to be held in accordance with Standing Order 66.

Standing Orders, compliance with which is to be proved before Examiners.

68.

When in any Bill brought from the House of Lords for the purpose of establishing a Company for carrying on any Work or Undertaking, the name of any person or persons shall be introduced as Manager, Director, Proprietor, or otherwise concerned in carrying such Bill into effect, proof shall be required before the Examiner that the said person or persons have subscribed their names to the Petition for the said Bill, or to a printed Copy of the said Bill, as brought to this House.

Consent of Directors, &c. who are named in a Bill, to be proved.

4.

IV.

PROCEEDINGS OF EXAMINERS, OF CHAIRMAN OF COMMITTEE OF WAYS AND MEANS, AND OF COMMITTEES.

Proceedings of Examiners.

IV.

PROCEEDINGS OF EXAMINERS, OF CHAIRMAN OF COMMITTEE OF WAYS AND MEANS, AND OF COMMITTEES.

PROCEEDINGS OF THE EXAMINERS OF PETITIONS FOR PRIVATE BILLS.

69.

When Examination of Petitions to commence.

The Examination of the Petitions for Private Bills which shall have been duly deposited in the Private Bill Office, shall commence on the 18th day of January, in such order and according to such regulations as shall have been made by Mr. Speaker.

70.

Notice to be given by one of the Examiners of day appointed for Examination.

One of the Examiners shall give at least Seven clear Days' Notice in the Private Bill Office of the day appointed for the Examination of each Petition which shall have been duly deposited in the Private Bill Office; and in case the promoters shall not appear at the time when the Petition shall come on to be heard, the Examiner to whom the case shall have been allotted, shall strike the Petition off the General List of Petitions, and shall not re-insert the same, except by order of The House.

71.

Notice and report in cases of Petitions for additional provision in Private Bills, &c.

In all cases of Petitions for additional provision in Private Bills and of Estate Bills brought from the House of Lords, and of Bills introduced by leave of this House in lieu of other Bills which shall have been withdrawn, and referred to the Examiner, and of Bills referred in pursuance of Standing Order 177, the Examiner shall give at least Two clear Days' notice, in the Private Bill Office, of the day on which the same will be examined; and he shall report to The House whether the Standing Orders have or have not been complied with; and, when they have not been complied with, the facts upon which his decision is founded, and any special circumstances connected with the case.

72.

Memorials complaining of non-compliance.

Any parties shall be entitled to appear and to be heard, by themselves, their agents and witnesses, upon a Memorial addressed to the Examiner, complaining of a non-compliance with the Standing Orders, provided the matter complained of be specifically stated in such Memorial, and the party (if any) who may be specially affected by the non-compliance with the Standing Orders have signed such Memorial and shall not have withdrawn his signature thereto, and such Memorial have been duly deposited in the Private Bill Office. (*See* Orders 185, 209, 210, 211, and 212.)

73.

Dissenting Proprietors to be allowed to be heard.

In case any proprietor in any Company shall by himself, or any person authorised to act for him in that behalf, have dissented at any meeting called in pursuance of Standing Order 66, or 67, such proprietor shall be permitted to be heard by the

Examiner of Petitions, on the compliance with such Standing Order, by himself, his agents, and witnesses, on a Memorial addressed to the Examiner, or by the Committee on the proposed Bill, by himself, his counsel or agents, and witnesses, on a Petition presented to The House, such Memorial or Petition having been duly deposited in the Private Bill Office (*See* Orders 118, 209 and 212).

74.

Proof by Affidavit.

The Examiner may admit Affidavits in proof of the compliance with the Standing Orders of The House, unless in any case he shall require further evidence; and such Affidavit shall be sworn, if in England, before a Justice of the Peace; if in Scotland, before any Sheriff Depute or his Substitute; and if in Ireland, before any Judge or Assistant Barrister of that part of the United Kingdom, or before a Justice of the Peace.

75.

Examiner to indorse Petition, and when Standing Orders not complied with, to report.

The Examiner shall certify by indorsement on each Petition which shall have been duly deposited in the Private Bill Office, whether the Standing Orders have or have not been complied with; and, when they have not been complied with, he shall also report to The House the facts upon which his decision is founded, and any special circumstances connected with the case.

76.

To report in cases of Bills originating in the Lords.

The Examiner shall make a Report of the several cases in which he shall have certified that the Standing Orders have or have not been complied with in respect of any Bills which, in pursuance of any Report from the Chairman of the Committee of Ways and Means, under Standing Order 78, shall originate in the House of Lords; and where they have not been complied with, he shall also report, separately, the facts upon which his decision is founded, and any special circumstances connected with the case.

77.

Special Report in certain cases.

In case the Examiner shall feel doubts as to the due construction of any Standing Order in its application to a particular case, he shall make a Special Report of the facts to the House, without deciding whether the Standing Order has or has not been complied with; and in such case he shall indorse the Petition with the words "Special Report," either alone, or if non-compliances with other Standing Orders shall have been proved, in addition to the words "Standing Orders not complied with."

74.

At the end of the Order, the words,—"or before a Justice of the Peace" have been added.

Proceedings of Chairman of Ways and Means.

PROCEEDINGS OF, AND IN RELATION TO, THE CHAIRMAN OF THE COMMITTEE OF WAYS AND MEANS, AND THE COUNSEL TO MR. SPEAKER.

78.

Chairman of Ways and Means to seek a conference with the Chairman of Committees of House of Lords.

The Chairman of the Committee of Ways and Means shall, at the commencement of each Session, seek a conference with the Chairman of Committees of the House of Lords for the purpose of determining in which House of Parliament the respective Private Bills should be first considered, and such determination shall be reported to The House.

79.

Chairman of Ways and Means to examine all Private Bills, &c.

The Chairman of the Committee of Ways and Means, with the assistance of the Counsel to Mr. Speaker, shall examine all Private Bills, whether opposed or unopposed, and call the attention of The House, and also of the Chairman of the Committee on every opposed Private Bill, to all points which may appear to him to require it; and Copies of all such Bills shall be laid by the Agent before the said Chairman and Counsel not later than the day after the Examiner of Petitions shall have indorsed the Petition for the Bill.

80.

Chairman of Ways and Means to report on Bills relating to Government Contracts.

The Chairman of the Committee of Ways and Means shall make a Report to the House previously to the Second Reading of any Private Bill by which it is intended to authorise, confirm, or alter any Contract with any department of the Government whereby a public charge has been or may be created; and such Report, together with a Copy of the Contract, and of any Resolution to be proposed in relation thereto, shall be circulated with the Votes Two clear Days at least before the day on which the Resolution is to be considered in a Committee of the whole House, which consideration shall not take place until after the time of Private Business; nor shall the Report of any such Resolution be considered until Three clear Days at least after the Resolution shall have been agreed to by the Committee.

81.

Copies of Bill as proposed to be submitted to Committee, to be laid before Chairman of Ways and Means, &c.

Two clear days at least before the day appointed for the consideration of any Private Bill by a Committee, there shall be laid before the Chairman of Ways and Means, and the Counsel to Mr. Speaker, by the Agent, Copies of every such Bill, as proposed to be submitted to the Committee, and such Copies shall be signed by the Agent for the Bill.

82.

Power to Chairman to report special circumstances, &c. to The House.

The Chairman of the Committee of Ways and Means shall be at liberty, at any period after any Private Bill shall have been referred to a Committee, to report to The House any special circumstances relative thereto which may appear to him to require it, or to inform The House that in his opinion any unopposed Private Bill should be treated as an opposed Private Bill.

Proceedings of Chairman of Ways and Means.

83.

Copy of Bill as amended in Committee to be laid before Chairman of Ways and Means, &c.

Three clear Days at least before the consideration of any Private Bill ordered to lie upon the Table, a Copy of every such Bill, as amended in Committee, shall be laid by the Agent before the Chairman of the Committee of Ways and Means and the Counsel to Mr. Speaker, and deposited at the Office of the Board of Trade.

84.

On consideration of Report of Railway Bill, Chairman of Ways and Means to acquaint the House if Orders have been observed.

On or before the consideration of the Report of every Railway Bill, the Chairman of the Committee of Ways and Means shall inform The House, or signify in writing to Mr. Speaker, whether the Bill contain the several provisions required by the Standing Orders.

85.

Clause or Amendment on consideration of Bill, or on Third Reading, to be submitted to Chairman of Ways and Means, &c.

When it is intended to bring up any Clause, or to propose any Amendment on the consideration of any Private Bill ordered to lie upon the Table, or any verbal amendment on the Third Reading of any Private Bill, the same shall be submitted by the Agent to the Chairman of the Committee of Ways and Means, and the Counsel to Mr. Speaker, on the day on which notice is given thereof in the Private Bill Office; and the said Chairman shall inform The House, or signify in writing to Mr. Speaker, whether such Clause or Amendment be such as ought or ought not to be entertained by The House, without referring the same to the Select Committee on Standing Orders.

86.

Copy of Amendments by House of Lords, and of proposed Amendments thereto, to be laid before Chairman of Ways and Means, &c.

A Copy of all Amendments made in The House of Lords to any Private Bill, and of all Amendments to such Amendments intended to be proposed in this House, shall be laid by the Agent before the Chairman of the Committee of Ways and Means and the Counsel to Mr. Speaker, before Two o'clock on the day previous to that on which the same are respectively appointed for consideration by The House.

86 A.

The Chairman of Ways and Means shall decide upon all Petitions as to the rights of the Petitioners to be heard upon such Petitions, without prejudice, however, to the power of the Select Committee to which the Bill is referred to decide upon any question as to such rights arising incidentally in the course of their proceedings.

86 A.

This is a New Order, to be inserted after Order 86.

The following New Orders have been added after 86 A:—

REFEREES ON PRIVATE BILLS.

PROCEEDINGS BEFORE THEM.

86 B.

86 C.

86 D.

86 E.

86 F.

86 G.

REFEREES ON PRIVATE BILLS—PROCEEDINGS BEFORE THEM.

86 B.

Referees on Private Bills to be constituted.

The Chairman of Ways and Means, with not less than three other persons, who shall be appointed by Mr. Speaker for such period as he shall think fit, shall be Referees of the House on Private Bills; such Referees to form one or more Courts; two at least to be required to constitute each Court.

86 C.

Chairman of Ways and Means to be Chairman of Referees.

The Chairman of Ways and Means shall be the Chairman of the Referees; and at any sitting of the Referees at which the Chairman is not present, one of the other Referees, whom the Chairman shall nominate for that purpose, shall be the acting Chairman.

86 D.

Rules of practice and procedure to be made by Chairman of Ways and Means.

The practice and procedure of the Referees, their times of sitting, order of business, and the forms and notices required in their proceedings, shall be prescribed by rules, to be framed by the Chairman of Ways and Means, subject to alteration by him as occasion may require. All such rules and alterations, when made, to be laid on the Table of the House.

86 E.

Jurisdiction of Referees defined.

The Referees shall inquire into all or any of the following matters as to which parties petitioning against any Bill desire to be heard in opposition, viz.:

1. In the case of Bills of the Second Class for authorising the construction of Works, the engineering details of the undertaking, the efficiency of the Works for the proposed object, and the sufficiency of the estimate for executing the same.

2. In the case of Bills for authorising a new line of Railway, the statistics of the traffic proposed to be accommodated.

3. In the case of Waterworks Bills, the nature and amount of the existing and the proposed source of supply, the quality of the water in each case, and the provisions as to storage reservoirs.

4. In the case of Gas Bills, the quality of the gas, the existing supply and its price, the amount of pressure, the cost of production, and the modes of testing the purity and illuminating power of the Gas.

86 F.

Referees to Report to the House.

So soon as the inquiry into the matters referred to them upon any Bill has been completed, the Referees shall make their Report upon the same to the House, and the Report shall thereupon

Proceedings of Referees on Private Bills.

stand referred to the Select Committee on the Bill. No further evidence shall be taken by the Committee to prove or disprove any of the facts reported by the Referees.

86 G.

Committees on Bills empowered to refer questions in special cases to Referees.

The Select Committee to which any Bill has been referred may, subject to the approval of the Chairman of Ways and Means, refer any question arising in the course of their inquiry, which they may deem suitable to be so referred, to the Referees for their decision, such question to be stated in writing, and signed by the Chairman of the Committee. The Referees, so soon as their inquiry has been completed, to return the question, with their decision certified thereon, to the Chairman.

Proceedings of Standing Orders Committee.

PROCEEDINGS OF THE SELECT COMMITTEE ON STANDING ORDERS.

87.

When any Report of the Examiner of Petitions for Private Bills, in which he shall report that the Standing Orders have not been complied with, shall have been referred to the Select Committee on Standing Orders, and after the Petition for the Bill shall have been duly presented, they shall report to The House whether such Standing Orders ought or ought not to be dispensed with, and whether in their opinion the parties should be permitted to proceed with their Bill, or any portion thereof, and under what (if any) conditions.

To report whether Standing Orders ought or ought not to be dispensed with.

88.

The Select Committee on Standing Orders shall have power to report on the cases referred to them in respect of Private Bills originating in the House of Lords, notwithstanding that the Petitions for the same shall not have been presented to the House.

In cases of Bills originating in Lords.

89.

When any Special Report from the Examiner of Petitions as to the construction of a Standing Order shall have been referred to the Select Committee on Standing Orders, they shall determine, according to their construction of the Standing Order, and on the facts stated in such Report, whether the Standing Orders have or have not been complied with, and they shall then either report to The House that the Standing Orders have been complied with, or shall proceed to consider the question of dispensing with the Standing Orders, as the case may be.

Proceeding in case of Special Report.

90.

When any Petition praying that any of the Sessional or Standing Orders of The House relating to Private Bills may be dispensed with, shall stand referred to the Select Committee on Standing Orders, they shall report to The House whether such Sessional or Standing Orders ought or ought not to be dispensed with.

To report whether Sessional or Standing Orders ought or ought not to be dispensed with.

91.

When any Petition for the re-insertion of any Petition for a Private Bill in the General List of Petitions shall stand referred to the Select Committee on Standing Orders, they shall report to The House whether in their opinion such Petition ought or ought not to be re-inserted, and, if re-inserted, under what (if any) conditions.

To report whether Petition ought or ought not to be re-inserted in the General List.

92.

When any Clause or Amendment proposed on the consideration of any Private Bill ordered to lie upon the Table shall have been referred to the Select Committee on Standing Orders, they shall report to The House whether such Clause or Amendment should be adopted by The House or not, or whether the Bill should be re-committed.

To report whether Clause or Amendment on consideration of Bill should be adopted by House or not, or whether Bill should be re-committed.

Proceedings of Committee of Selection, &c.

PROCEEDINGS OF THE COMMITTEE OF SELECTION, AND OF THE GENERAL COMMITTEE ON RAILWAY AND CANAL BILLS.

93.

Printed Copies of Bills to be laid before Committee of Selection and General Committee.

Printed copies of all Private Bills, not being Railway or Canal Bills, shall be laid before the Committee of Selection, and Printed Copies of all Railway and Canal Bills before the General Committee on Railway and Canal Bills, by the parties promoting the same, at the first Meeting of the said Committees respectively.

94.

Committee of Selection and General Committee to group Private Bills.

The Committee of Selection may, if they think fit, form into Groups all Private Bills, not being Railway or Canal Bills, and the General Committee on Railway and Canal Bills may form into Groups all Railway and Canal Bills, which, in their opinion, it may be expedient to submit to the same Committee, and shall report the same to The House.

95.

Railway and Canal unopposed Bills.

The General Committee on Railway and Canal Bills may, whenever they shall think fit, refer any unopposed Railway or Canal Bill to the Chairman of the Committee of Ways and Means and two other Members not locally or otherwise interested, to be nominated by the Committee of Selection.

96.

Committee of Selection and General Committee on Railway, &c. Bills, to appoint First Sitting of Committee.

The Committee of Selection, in the case of all Private Bills other than Railway and Canal Bills, and the General Committee on Railway and Canal Bills in the case of such Bills, shall, subject to the order in regard to the interval between the Second Reading of every Private Bill and the Sitting of the Committee thereupon, fix the time for holding the *First Sitting* of every Committee on a Private Bill which shall have been referred to either of the said Committees.

97.

Committee of Selection and General Committee to name Bill or Bills to be considered on the first day.

The Committee of Selection shall name the Bill or Bills which shall be taken into consideration on the first day of the meeting of the Committee on any Group of Bills not being Railway or Canal Bills; and the General Committee on Railway and Canal Bills shall name the Bill or Bills which shall be taken into consideration on the first day of the meeting of each Committee on any Group of such Bills.

98.

What Bills not to be considered opposed.

The Committee of Selection shall consider no Bill as an opposed Private Bill, unless either previous to, or not later than Ten clear Days after, the First Reading thereof, a Petition shall have been presented against it, in which the Petitioner or Petitioners shall have prayed to be heard, by themselves, their Counsel or Agents, or unless, where no such Petition shall have been presented, the Chairman of the Committee of Ways and Means shall have reported to The House that in his opinion any Bill ought to be so treated.

99. The

98.

In line 3, the words "Seven clear days after the Second Reading" have been omitted; and the words "Ten clear days after the First Reading" have been inserted instead thereof.

99.

In line 3, the word "Four" has been omitted; and the word "Two" has been inserted instead thereof.

101.

In line 3, The word "Four" has been omitted; and the word "Two" has been inserted instead thereof.

Proceedings of Committee of Selection, &c.

99.

The Committee of Selection shall refer every opposed Private Bill which shall have been referred to them, or any Group of such Bills, to a Chairman and Two Members, not locally or otherwise interested therein.

Constitution of Committees on opposed Private Bills.

100.

The Committee of Selection shall refer every unopposed Private Bill, which shall have been referred to them, not being a Road Bill, to the Chairman of the Committee of Ways and Means, together with one of the Members ordered to prepare and bring in the same, and one other Member not locally interested therein, if the Bill shall have originated in this House; and if the Bill shall have been brought from The House of Lords, to the Chairman of the Committee of Ways and Means, together with Two other Members, of whom one at least shall not be locally or otherwise interested therein.

Constitution of Committees on unopposed Private Bills.

101.

The Committee of Selection shall refer all Road Bills, whether opposed or unopposed, to a Committee, consisting of a Chairman and Two other Members not locally or otherwise interested therein.

Committee of Selection to refer all Road Bills to a Committee.

102.

The Committee of Selection shall give each Member not less than Seven Days' notice, by publication in the Votes or otherwise, of the week in which it will be necessary for him to be in attendance for the purpose of serving, if required, as a Member, not locally or otherwise interested, of a Committee on a Private Bill.

Committee of Selection to give notice to Members.

103.

The Committee of Selection shall give to each Member sufficient Notice of his appointment as a Member of a Committee on any Private Bill, or Group of such Bills, and, in every case where a Declaration is required to be signed and returned by such Member, shall transmit to him a blank form of the Declaration required, with a request that it may forthwith be returned properly filled up and signed.

Notice of Appointment and Declaration to be transmitted to Members.

104.

The Committee of Selection shall report to The House the name of every Member from whom they shall not have received in due time such Declaration, so filled up and signed, or, in lieu thereof, an excuse which they shall deem sufficient.

Members returning no answer to be reported.

105.

The Committee of Selection shall have the power of discharging any Member or Members of a Committee, and of substituting other Members.

Committee of Selection may substitute Members for others.

106.

The Committee of Selection shall have power, in the execution of their duties, to send for Persons, Papers and Records.

Committee of Selection to send for persons, &c.

PROCEEDINGS OF COMMITTEES ON OPPOSED BILLS.

107.

Declaration of Members.

Each Member of a Committee on an opposed Private Bill, or group of such Bills, shall, before he be entitled to attend and vote on such Committee, sign the following Declaration:

> I do hereby declare, That my constituents have no local interest, and that I have no personal interest, in such Bill; and that I will never vote on any question which may arise without having duly heard and attended to the Evidence relating thereto.

And no such Committee shall proceed to business until the said Declaration shall have been so signed by each of such Members.

108.

109.

embers not to absent themselves.

No Member of a Committee on an opposed Private Bill shall absent himself from his duties thereon, except in the case of sickness, or by order of The House.

110.

When Chairman absent.

If the Chairman shall be absent from the Committee, the Member next in rotation on the List of Members who shall be present shall act as Chairman, but in the case of Railway and Canal Bills only until the General Committee on such Bills shall have appointed if they shall so think fit, another Chairman.

111.

111 A.

If at any time during the sitting of a Committee, all the Members of the Committee shall not be present, the proceedings shall be suspended; and if at the expiration of *One Hour* from the time at which the proceedings shall have been suspended, all the Members shall not be present, the Committee shall stand adjourned till the next day on which The House shall sit, and then shall meet at the hour at which such Committee would have sat, had no such adjournment taken place, and every such adjournment shall be reported to The House at its next sitting.

112.

Members absent to be reported to The House.

If any of the Members shall not be present within One Hour after the time appointed for the meeting of the Committee, or if any Member shall absent himself from his duties on such Committee, every such Member shall be reported to The House at its next sitting.

108.

Committees shall be allowed to proceed if Three of the Five Members shall be present, but not with a less number, unless by special leave of the House. Quorum to be always present.

[This Order has been omitted.]

111.

If at any time during the sitting of any Committee, *Three* at least of the Members shall not be present, the Chairman shall suspend the proceedings of such Committee until *Three* at least shall be present; and if at the expiration of *One Hour* from the time fixed for the meeting of the Committee, or from the time when the Chairman shall so have suspended the proceedings, *Three* Members shall not be present, the Committee shall be adjourned to the next day on which The House shall sit, and then shall meet at the hour on which such Committee would have sat, had no such adjournment taken place. Proceedings to be suspended if Quorum not present.

[This Order has been omitted.]

111 A.

This is a new Order.

113.

In line 2, the words "a Quorum of" have been omitted; and the words "all the" inserted instead thereof; and the words "required by the Standing Orders" have been omitted. In line 3, after the word "of" the words "the Members" have been omitted; and the word "them" inserted instead thereof. In line 6, the words "the Chairman shall report" have been omitted. In line 7, after the word "case," the words "shall be reported" have been inserted.

113 A.

This is a new Order, to be inserted after Order 113.

Proceedings of Committees on Opposed Bills.

113.

If at any time after the Committee on a Bill shall have been formed, all the Members cannot attend in consequence of any of them who shall have duly qualified to serve on such Committee having become incompetent to continue such service by having been placed on an Election Committee, or by death or otherwise, the circumstances of the case shall be reported to The House, in order that such measures may be taken by The House as shall enable the Members still remaining on the Committee to proceed with the business referred to such Committee, or as the exigency of the case may require.

Absence of Member by Death or otherwise to be reported.

113 A.

If all the parties before a Committee shall consent to proceed with less than *Three* Members, such consent shall be reported to The House; and, with the leave of The House, the Committee may proceed accordingly.

114.

All questions before Committees on Private Bills shall be decided by a majority of voices, including the voice of the Chairman; and whenever the voices are equal, the Chairman shall have a second or casting vote.

Questions to be decided by majority of voices.

115.

The Committee on each Group of Bills shall take the Bill or Bills first into consideration which shall have been named by the Committee of Selection, or by the General Committee on Railway and Canal Bills (*see* No. 97); and the Committee shall, from time to time, appoint the day on which they will enter upon the consideration of each of the remaining Bills, and on which they will require the parties severally promoting or opposing the same to enter appearances; and Two clear Days' notice, at the least, of such appointment, shall be given by the Clerk attending the Committee to the Clerks in the Private Bill Office; and in case the Committee shall postpone the consideration of any Bill, notice shall be given of the day to which the same is postponed.

Committee on Group to consider that Bill first which Committee of Selection or General Committee shall have named, and to appoint day for Consideration of remaining Bills, of which Clerk of Committee to give Notice.

116.

Every Committee on an opposed Private Bill shall report specially to the House the cause of any Adjournment over any day on which the House shall sit.

Causes of Adjournment to be specially reported.

117.

No Petition against a Private Bill shall be taken into consideration by the Committee on such Bill, which shall not distinctly specify the ground on which the Petitioners object to any of the provisions thereof; and the Petitioners shall be only heard on such grounds so stated; and if it shall appear to the said Committee, that such grounds are not specified with sufficient accuracy, the Committee may direct that there be given in to the Committee a more specific Statement, in writing, but limited to such grounds of Objection so inaccurately specified.

Petition against Bill not to be considered except grounds of objection sufficiently specified.

Proceedings of Committees on Opposed Bills.

118.

Petitioners against Bill not to be heard unless Petition presented not later than Seven clear Days after Second Reading, &c.

No Petitioners against any Private Bill shall be heard before the Committee on the Bill, unless their Petition shall have been prepared and signed in strict conformity with the Rules and Orders of this House, and shall have been presented to this House by having been deposited in the Private Bill Office, either previous to, or not later than *Ten* clear *Days* after, the First Reading of such Bill, except where the Petitioners shall complain of any matter which may have arisen during the progress of the Bill before the said Committee, or of any proposed additional provision, or of the Amendments as proposed in the filled-up Bill deposited in the Private Bill Office.

119.

119 A.

Competition to be a ground of locus standi.

It shall be competent to the Chairman of Ways and Means to admit Petitioners to be heard upon their Petitions against a Private Bill, on the ground of competition, if he shall think fit.

120.

In what cases Shareholders to be heard.

Where a Bill is promoted by an Incorporated Company, Shareholders of such Company shall not be entitled to be heard before the Committee against such Bill, unless their interests, as affected thereby, shall be distinct from the general interests of such Company.

121.

In what cases Railway Companies to be heard.

Where a Railway Bill contains provisions for taking or using any part of the Lands, Railway, Stations or Accommodations of another Company, or for running Engines or Carriages upon or across the same, or for granting other facilities, such Company shall be entitled to be heard upon their Petition against the Preamble and Clauses of such Bill.

122.

Municipal authorities and Inhabitants of Towns, &c.

It shall be competent to the Chairman of Ways and Means to admit the Petitioners, being the Municipal or other Authority having the local management of the Metropolis, or of any Town, or the Inhabitants of any Town or District alleged to be injuriously affected by a Bill, to be heard against such Bill, if he shall think fit.

123.

When opposed Bills may be treated as unopposed.

In all cases of opposed Private Bills, in which no parties shall have appeared on the Petitions against such Bills, or having appeared shall have withdrawn their opposition before the evidence of the Promoters shall have been commenced, the Committees on such Bills shall forthwith refer them back, with a statement of the facts, if not Railway or Canal Bills, to the Committee of Selection, and if Railway and Canal Bills, to the General Committee on Railway and Canal Bills, who shall deal with them as unopposed Bills.

118.

In line 6, the words "Seven clear days after the Second Reading" have been omitted, and "Ten clear days after the First Reading" have been inserted instead thereof.

119.

It shall be competent to the Committee on any Private Bill to admit Petitioners to be heard upon their Petitions against such Private Bill, on the ground of competition, if they shall think fit. Competition to be a ground of locus standi.

[This Order has been omitted.]

119 A.

This new Order has been inserted instead thereof.

122.

In line 1, the words "Committee on any Private Bill" have been omitted, and the words "Chairman of Ways and Means" have been inserted instead thereof.

In line 6, the word "they" has been omitted, and the word "he" has been inserted instead thereof.

128.

At end of the Order, the words "or before a Justice of the Peace" have been added.

Proceedings of Committees on Bills.

Proceedings of, and in Relation to, Committees on Bills, whether Opposed or Unopposed.

124.

At the first Meeting of the Committee, Copies of the Bill, as proposed to be submitted to them, and signed by the Agent, shall be laid by him before each Member of the Committee.

Filled-up Copies of Bill to be laid before each Member.

125.

No Member, locally or otherwise interested, of a Committee on any unopposed Private Bill, shall have a Vote on any question that may arise, but every such Member shall be entitled to attend and take part in the proceedings of the Committee.

Local Member not to vote.

126.

The Names of the Members attending each Committee shall be entered by the Clerk on the Minutes of the Committee; and if any Division shall take place in the Committee, the Clerk shall take down the Names of Members voting in any such Division, distinguishing on which side of the question they respectively vote, and that such Lists be given in with the Report to The House.

Names of Members to be entered on Minutes.

127.

No Committee shall have power to examine into the compliance or non-compliance with such Standing Orders as are directed to be proved before the Examiner of Petitions for Private Bills, unless by special order of The House.

Committee on Bill not to inquire into certain Standing Orders.

128.

The Committee on any Private Bill may admit affidavits in proof of the compliance with such Standing Orders of the House as are directed to be proved before them, unless in any case they shall require further evidence; and such affidavits shall be sworn, if in England, before a Justice of the Peace; if in Scotland, before any Sheriff-depute or his substitute; and if in Ireland, before any Judge or Assistant Barrister of that part of the United Kingdom, or before a Justice of the Peace.

Committee may admit affidavits in proof of compliance with Standing Orders.

129.

The Committee may admit proof of the Consents of Parties concerned in interest in any Private Bill, by Affidavits, sworn as aforesaid, or by the Certificate in writing of such Parties, whose Signatures to such Certificate shall be proved by *one* or more Witnesses, unless the Committee shall require further Evidence.

Consents, how to be proved.

130.

In all Bills presented to The House for carrying on any Work by means of a Company, Commissioners or Trustees, Provision shall be made for compelling Persons who have subscribed any Money towards carrying any such Work into execution, to make payment of the Sums severally subscribed by them.

Clause compelling payment of Subscriptions.

Proceedings of Committees on Bills.

131.

Provision to be made in Bills by which Tolls, &c. are to be levied.

In all Bills whereby any Parties are authorized to levy Fees, Tolls or other Rate or Charge, Clauses shall be inserted, providing for the following objects, except in so far as any of such objects shall have been provided for in some general Act applicable to the subject-matter of the Bill:—

Security to be taken from Treasurer, &c.

Security to be taken from the Treasurer, Collector, or Receiver, and every other officer entrusted with the collection or custody of monies under the Bill, for the faithful execution of his office.

Accounts to be kept.

Full and accurate Accounts to be kept of all monies received and expended under the provisions of the Bill, and that such Accounts be balanced once in each year at the least.

Accounts to be audited.

Such Accounts to be duly audited once in each year at the least, and that for such purpose an Auditor or Auditors be appointed by some person or persons not immediately connected with the Commissioners, Directors, Trustees, or other party, by whom, or by whose direction or authority, such Fees, Tolls, Rates or Charges shall be levied.

Accounts, Vouchers, &c., to be produced to Auditors.

For the purpose of auditing such Accounts, the Commissioners, Directors, Trustees or other such party as aforesaid to be required to cause the Accounts, together with all their Books and Vouchers, to be produced to the Auditors.

Remuneration to Auditors.

The remuneration of the Auditor, and his expenses, to be defrayed out of the funds levied under the Bill.

Abstract of Account to be annually transmitted to Clerk of Peace.

An annual Account, in abstract, to be prepared of the total Receipts and Expenditure of all funds levied under such Bill for the past year, under the several distinct heads of Receipts and Expenditure, with a Statement of the Balance of the said Account duly audited and certified by the Chairman of the Commissioners, Directors, Trustees or other parties aforesaid, and also by the Auditors thereof; and a copy of such annual Account to be transmitted, free of charge, to the Clerk of the Peace (or in Scotland to the Sheriff Clerk) for the County, or to the Clerk of the City or Borough within which the chief Office for the management of such funds shall be situated, on or before the *Thirty-first* day of *January* in each year, under a sufficient Penalty for not preparing and sending in the said Account, to be levied by summary process; the said Account to be open at all seasonable hours to the inspection of the Public upon payment of a Fee.

132.

Level of Roads.

Where the level of any Road shall be altered in making any Public Work, the ascent of any Turnpike Road, or of any Road in Ireland so defined in the Railway Clauses Consolidation Act, 1845, shall not be more than One foot in 30 feet, and of any other public Carriage Road not more than One foot in 20 feet; and

Fence to Bridge.

a good and sufficient Fence, of Four feet high at the least, shall be made on each side of every Bridge which shall be erected.

133. Every

Proceedings of Committee on Bills.

133.

Every Plan, and Book of Reference thereto, which shall be produced in evidence before the Committee upon any Private Bill (whether the same shall have been previously lodged in the Private Bill Office, or not,) shall be signed by the Chairman of such Committee, with his Name at length; and he shall also mark with the Initials of his Name every Alteration of such Plan and Book of Reference, which shall be agreed upon by the said Committee; and every such Plan and Book of Reference shall thereafter be deposited in the Private Bill Office.

Plan, &c., to be signed by Chairman.

134.

The Chairman of the Committee shall sign, with his Name at length, a printed Copy of the Bill (to be called the Committee Bill), on which the Amendments are to be fairly written; and also sign, with the Initials of his Name, the several Clauses added in the Committee.

Committee Bill and Clauses to be signed by Chairman.

135.

The Chairman of the Committee shall report to The House, that the Allegations of the Bill have been examined; and whether the Parties concerned have given their Consent (where such Consent is required by the Standing Orders) to the satisfaction of the Committee.

Chairman to report on allegations of Bill, &c.

136.

The Chairman of the Committee shall report the Bill to The House, whether the Committee shall or shall not have agreed to the Preamble, or gone through the several Clauses, or any of them; or where the Parties shall have acquainted the Committee that it is not their intention to proceed with the Bill; and when any alteration shall have been made in the Preamble of the Bill, such alteration, together with the ground of making it, shall be specially stated in the Report.

Chairman to report Bill in all cases.

137.

Whenever a recommendation shall have been made in a Report on a Private Bill from a Department of the Government referred to the Committee, the Committee shall notice such recommendation in their Report, and shall state their reasons for dissenting, should such recommendation not be agreed to.

Committee to notice recommendation from Government Departments when referred.

138.

The Minutes of the Committee on every Private Bill shall be brought up and laid on the Table of The House, with the Report of the Bill.

Minutes of Committee.

Railway Bills.

139.

In the case of a Railway Bill, no Company shall be authorized to raise, by Loan or Mortgage, a larger sum than *One-third* of their capital; and until *Fifty per cent.* on the whole of the capital shall have been paid up, it shall not be in the power of the Company to raise any Money by Loan or Mortgage.

Restrictions as to Mortgage.

140.

Limiting ascent of Roads where Level is altered.

Where the level of any road shall be altered in making any Railway, the ascent of any Turnpike Road, or of any Road in Ireland, so defined in the Railway Clauses Consolidation Act, 1845, shall not be more than One foot in 30 feet, and of any other public carriage-road not more than One foot in 20 feet, unless a Report thereupon from some officer of the Board of Trade shall be laid before the Committee on the Bill, and unless the Committee, after considering such Report, if they shall disagree with the said Report, shall recommend steeper ascents, with the reasons and facts upon which their opinion is founded: Also, a good and sufficient Fence, of Four feet high at the least, shall be made on each side of every Bridge which shall be erected.

Fence to Bridge.

141.

Railway not to cross Roads on a Level unless Committee report, &c.

No Railway whereon carriages are propelled by steam, or by atmospheric agency, or drawn by ropes in connexion with a stationary steam-engine, shall be made across any turnpike-road or other public carriage-way on the level, unless a Report thereupon from some Officer of the Board of Trade shall be laid before the Committee on the Bill, and unless the Committee, after considering such Report, if they shall disagree with the said Report, shall recommend such level crossing, with the reasons and facts upon which their opinion is founded; and in every Clause authorizing a level crossing, the number of lines of rails authorized to be made at such crossing shall be specified.

142.

Railway Company not to acquire Docks, &c. unless Committee report, &c.

No Railway Company shall be authorized to construct or enlarge, purchase or take on lease, or otherwise appropriate any Dock, Pier, Harbour or Ferry, or to acquire and use any Steam-vessels for the conveyance of goods and passengers, or to apply any portion of their capital or revenue to other objects, distinct from the Undertaking of a Railway Company, unless the Committee on the Bill report that such a restriction ought not to be enforced, with the reasons and facts upon which their opinion is founded.

143.

Matters to be specially reported.

The Committees on Railway Bills shall direct their attention especially to the following heads of inquiry, and shall require evidence from the Promoters thereon, namely:—

Capital.

1. The financial arrangements made or proposed by the Company formed for the execution of the Railway; the number and amount of shares actually subscribed for or agreed to be taken; and the amount of share capital and of loans proposed to be authorized.

Engineering difficulties.

2. The merits, in an engineering point of view, of the proposed Railway, and the crossings, if any, of public roads on the level.

3. The

143.

In line 8, the words " and the sufficiency of the estimate for the works," have been omitted.

Section 2 has been omitted, and the following section has been inserted instead thereof:

2. " The merits, in an engineering point of view, of the proposed Railway, and the crossings, if any, of public roads on the level."

3. The degree of favour or objection with which the project is regarded by the landowners and others in the neighbourhood of the proposed Railway. Views of Landowners and others.

Every Committee on a Railway Bill shall report specially to The House,—

Whether any Report from any Public Department in regard to the Bill, or the objects thereof, has been referred by the House to the Committee; and, if so, in what manner the several recommendations contained in such Report have been dealt with by the Committee: Reports of Public Departments.

Whether it be intended that the Railway shall cross on a level any turnpike road or highway: Crossing Highways on a level.

And any other circumstances which, in the opinion of the Committee, it is desirable that the House should be informed of. Other circumstances.

144.

It shall be an Instruction to the Committee on every Railway Bill providing for the construction of any new Railway, or for the extension of time for the completion of any Railway, in case they shall find the Preamble thereof to be proved, to insert in the Bill one or other of the provisions following, that is to say:— Instruction to Committees on Railway Bills.

In every Railway Bill promoted by an existing Railway Company, being possessed of a Railway already opened for public traffic, whereby the construction of any new line of Railway is authorized, or the time for completing any line already authorized is extended, a Clause providing that after the expiration of a period to be limited by such Bill, not exceeding Five Years from the passing of the Act, in the case of a new line, and Three Years in case of the extension of time for completing any line; the Company so making default shall be liable to a Penalty of 50*l.* per day, to be recoverable as a Debt due to the Crown for every day after the period so limited, until such Line shall be completed and opened for public traffic; but no penalty shall accrue in respect of any time during which it shall appear, by a Certificate to be obtained from the Board of Trade, that the Company was prevented from completing or opening such line by unforeseen accident or circumstances beyond their control. Clause to be inserted suspending Payment of Dividend until Line be opened.

In every Railway Bill promoted by an existing Railway Company, not being possessed of a Railway already opened for public traffic, or by persons not already incorporated, whereby the construction of any new line of Railway is authorized, a Clause to the following effect, viz.:— Clause respecting Bond to be entered into for completion of Line.

Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the ninth and tenth years of Her present Majesty, c. 20, a sum of £.
being eight per cent. upon the amount of the Estimate in respect of the Railway authorized by this Act, has been deposited

Proceedings of Committees on Bills.

with the Court of Chancery in England [or with the Court of Exchequer in Scotland, or the Court of Chancery in Ireland, as the case may be], [or Exchequer Bills, Stocks or Funds to the amount of £. , have been deposited or transferred pursuant to the said Act, as the case may be], in respect of the application to Parliament for this Act; Be it enacted, That, notwithstanding anything contained in the said recited Act, the said sum of £. [or the said Exchequer Bills or other Funds, as the case may be] so deposited [or transferred] as aforesaid, in respect of the application for this Act, or the interest or dividends of such sum of money [Exchequer Bills, Stocks or Funds], shall not, except upon the execution and deposit of such bond as hereinafter mentioned, be paid or transferred to or on the application of the person or persons, or the majority of the persons named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the said Company shall, previously to the expiration of the period limited by this Act for completion of the Railway hereby authorized to be made, either open the said Railway for the public conveyance of passengers, or prove to the satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the said Company have paid up one-half of the amount of the capital by this Act authorized to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one-half of the said capital; and if the said period shall expire before the said Company shall either have opened the said Railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Lords of the said Committee, the said sum of money [Exchequer Bills, Stocks or Funds], deposited [or transferred] as aforesaid, and the interest and dividends thereof, shall immediately, from and after the expiration of the said period, be forfeited to Her Majesty, and be paid and transferred by the officer or person in whose name they shall then be deposited or invested, to the account of Her Majesty's Exchequer, and when so paid and transferred, shall be carried to and form part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland: Provided, That at any time after the passing of this Act, if a bond in twice the amount of the said sum of £. shall have been executed by the said Company, with one or more sureties (such bond to be prepared to the satisfaction of, and such surety or sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury), conditioned for payment to Her Majesty, Her heirs or successors, of the said sum of £. , if the said Company shall not, within the time limited for the completion of the said Railway, either open the said Railway for the public conveyance of passengers, or prove to the satisfaction of the Lords of the said Committee that the said Company have paid up one-half of the amount of the said capital by this Act authorized to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one-half of the said capital; and if such bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such sum of money [Exchequer Bills, Stocks or Funds], and the interest or dividends thereof, shall be paid [or transferred] to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid,

Proceedings of Committees on Bills.

aforesaid, or the survivors or survivor of them, and it shall not be necessary to produce any certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the moneys to be recovered upon such bond shall be dealt with in like manner as the said sum of money [Exchequer Bills, Stocks or Funds], and the interest or dividends thereof, would have been dealt with under this Act if such bond had not been executed and deposited as aforesaid. And the certificate of the said solicitor to the said Lords Commissioners that such bond has been executed and deposited as aforesaid, and the certificate of the Lords of the said Committee that such proof has been given to their satisfaction as aforesaid, shall respectively be sufficient evidence of the facts so certified.

Where preceding Provisions are inapplicable.

In any Railway Bill to which the preceding provisions are not applicable, the Committee shall make such other provision as they shall deem necessary for ensuring the completion of the line of Railway.

145.

Committee to fix the Tolls and Charges.

The Committee on every Railway Bill shall fix the Tolls, and shall determine the maximum rates of Charge for the conveyance of Passengers with a due amount of Luggage, and of Goods on such Railway; and such rates of Charge shall include the Tolls and the costs of locomotive power, and every other expense connected with the conveyance of Passengers with a due amount of Luggage, and of Goods upon such Railway; but if the Committee shall not deem it expedient to determine such maximum rates of Charge, a Special Report, explanatory of the grounds of their omitting so to do, shall be made to The House, which Special Report shall accompany the Report of the Bill.

146.

In Bills granting preference in payment of interest, &c., provision to be made that the same shall not prejudice former grants of preference, unless Committee report otherwise.

In every Railway Bill by which it is proposed to authorize the Company to grant any preference or priority in the payment of Interest or Dividends on any Shares or Stock, there shall be inserted a Clause providing that the granting of such preference or priority shall not prejudice or affect any preference or priority in the payment of Interest or Dividends on any other Shares or Stock which shall have been granted by the Company in pursuance of or which may have been confirmed by any previous Act of Parliament, or which may otherwise be lawfully subsisting, unless the Committee on the Bill shall report that such Provision ought not to be required, with the Reasons on which their opinion is founded.

147.

Company not to alter any preference previously granted.

No Railway Company shall be authorized to alter the terms of any preference or priority of Interest or Dividend which shall have been granted by such Company in pursuance of or which may have been confirmed by any previous Act of Parliament, or which may otherwise be lawfully subsisting, unless the Committee on the Bill report that such alteration ought to be allowed, with the Reasons on which their opinion is founded, together with the number of Preference Shareholders who have assented to or dissented from such alteration.

148.

No powers of purchase, &c. in Bills for construction of a Railway.

No powers of Purchase, Sale, Lease or Amalgamation, shall be contained in any Bill for the construction of a Railway.

149.

No powers of purchasing, &c., Steam Vessels in Railway Bills.

No powers of purchasing, hiring, or providing Steam Vessels shall be contained in a Bill by which any other powers are sought to be obtained by a Railway Company, except when the transit by such Steam Vessels is required to connect portions of Railway belonging to or proposed to be constructed by such Company.

150.

No powers of purchase, &c. to be given, except after proof of certain matters before Board of Trade, &c.

No powers of purchase, sale, lease or amalgamation shall be given to any Railway Company, with reference to any other undertaking already authorized by any Act or Acts, nor to any other incorporated Company, with reference to any Railway, unless, previously to the application to Parliament for such purpose, the several Companies who may be parties to such purchase, sale, lease or amalgamation shall have proved, to the satisfaction of the Board of Trade, that they have respectively paid up One-half of the capital authorized to be raised by any previous Act or Acts by means of Shares, and have expended for the purposes of such Act or Acts a sum equal thereto; and in case such powers shall be applied for in respect of Works intended to be authorized by any Bill or Bills of the same Session, it shall be proved to the satisfaction of the Board of Trade that such Companies have respectively paid up one-half the amount of their capital, and that the Company proposed to be empowered to construct such Works have included in such amount the capital proposed to be authorized by such Bill or Bills; and that no such powers shall be given in respect of Works intended to be authorized by any Act or Acts for which it is intended to apply in any subsequent Session.

151.

Railway Company not to guarantee interest or dividend before completion of Line.

No Railway Company shall be authorized, except for the execution of its original Line or Lines sanctioned by Act of Parliament, to guarantee interest on any shares which it may issue for creating additional Capital, or to guarantee any rent or dividend to any other Railway Company, until such first-mentioned Company shall have completed and opened for traffic such original Lines.

152.

Limitation of Capital on amalgamation of Companies.

In Bills for the Amalgamation of Railway Companies, the amount of Capital created by such Amalgamation shall in no case exceed the sum of the Capitals of the Companies so amalgamated.

153.

Additional Capital of purchasing Company not to amount to more than Capital of Company purchased.

In Bills for empowering any Railway Company to purchase any other Railway, no addition shall be authorized to be made to the Capital of the purchasing Company, beyond the amount of the Capital of the Railway purchased; and in case such Railway shall be purchased at a premium, no addition on account of such premium shall be made to the Capital of the purchasing Company.

154. A Clause

154.

A Clause shall be inserted in every Railway Bill, prohibiting the payment of any Interest or Dividend in respect of Calls under such Bill (except the Interest by way of Discount on Subscriptions prepaid, agreeably to 8 Vict. c. 16, s. 24), out of any Capital which they have been authorized to raise either by means of Calls, or of any power of borrowing. Clause that no Interest or Dividend be paid on Calls.

155.

A Clause shall be inserted in every Railway Bill, prohibiting any Railway Company from paying, out of the Capital which they have been authorized to raise for the purposes of any existing Act, the Deposits required by the Standing Orders to be made for the purposes of any application to Parliament for a Bill for the construction of another Railway. Clause as to Deposits not to be paid out of Capital.

156.

The following Clause shall be inserted in all Railway Bills passing through this House : Clause as to Railway not to be exempt from any General Act.

And be it further Enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Acts authorized to be made from the provisions of any General Act relating to Railways now in force, or which may hereafter pass during this or any future Session of Parliament, or from any future revision and alteration, under the authority of Parliament, of the maximum rates of fares and charges authorized by this Act [or by the said recited Acts].

Agreements.

157.

Where it is sought by any Bill to give Parliamentary sanction to any Agreement, such Agreement shall be annexed to the Bill as a Schedule thereto, and shall be printed *in extenso* therewith. Agreement to be annexed to Bill.

Letters Patent.

158.

When any Bill shall be brought into The House for confirming of Letters Patent, there shall be a true Copy of such Letters Patent annexed to the Bill. Copy of Letters Patent to be annexed to the Bill.

Inclosure and Drainage Bills.

159.

In the case of any Bill for inclosing Lands, the Committee may admit proof of the Notices required by the Standing Orders, and of the Allegations in the Preamble of such Bill, by Affidavit taken and authenticated, according to the form prescribed in the Schedule to the General Inclosure Act (41 Geo. III. c. 109,) unless such Committee shall otherwise order. Notices and Allegations. Gen. Inc. Act.

Proceedings of Committees on Bills.

160.

Consent Bill and Statement of Property to be delivered in.

The Committee on every Bill for inclosing Lands shall in the first place require the Agent for the same to deliver in to the Committee a printed copy of the Bill, signed by the Lord of the Manor (in cases where the Lord of the Manor has any interest as such in the lands to be inclosed), and by such Owners of Property within the Parish to which the Bill relates as shall have assented thereto; but the Parties, if they shall think fit, shall be permitted to deliver in different copies of the Bill, separately signed by the several Parties hereinbefore mentioned, instead of one copy, signed by all of them collectively; together with a List of all the Owners of Property within such Parish, showing the value according to the Poor Rate or Land Tax Assessment of each Owner's Property therein, and distinguishing which of them have assented, dissented, or are neuter in respect thereto.

161.

Consent Bill and Statement of Property to be delivered in.

The Committee on every Bill for draining Lands shall in the first place require the Agent for the same to deliver in to the Committee a printed copy of the Bill, signed by such Owners and Occupiers of Property within the Parish to which the Bill relates as shall have assented thereto; but the Parties, if they shall think fit, shall be permitted to deliver in different copies of the Bill, separately signed by the several Parties hereinbefore mentioned, instead of one copy, signed by all of them collectively; together with a List of all the Owners of Property within such Parish, showing the value according to the Poor Rate or Land Tax Assessment of each Owner's Property therein, and distinguishing which of them have assented, dissented, or are neuter in respect thereto.

162.

Clause for leaving open Space for exercise and recreation.

In every Bill for inclosing Lands, provision shall be made for leaving an open space in the most appropriate situation, sufficient for purposes of exercise and recreation of the neighbouring population; and the Committee on the Bill shall have before them the number of acres proposed to be inclosed, as also of the population in the parishes or places in which the land to be inclosed is situate; and also shall see that provision is made for the efficient fencing of the allotment, for the investment of the same in the Churchwardens and Overseers of the parish in which such open space is reserved, and for the efficient making and permanent maintenance of the fences by such parish; and in any case where the information hereby required is not given, and the required provisions are not made in the Bill, the Committee on the same shall report specially to The House the reasons for not complying with such Order.

163.

Consent Bill to contain Names of Commissioners, and Compensations for Manorial Rights, Tithes and Enfranchisements.

In every Bill for inclosing Lands, the Names of the Commissioners proposed to be appointed, and the Compensation intended for the Lord of the Manor, and the Owners of Tithes, in lieu of their respective Rights, and also the Compensation intended to be made for the enfranchisement of Copyholds, where any Bargains or Agreements have been made for

for such Compensations, shall be inserted in the copy of the Bill presented to The House: And all copies of such Bills which shall be sent to any of the Persons interested in the said Manor, Tithes, Lands or Commons, for their Consent, shall contain the Names of such proposed Commissioners, and also the Compensations so bargained or agreed for.

164.

No Person shall be named in any Bill for inclosing Lands as a Commissioner, Umpire, Surveyor or Valuer, who shall be interested in the Inclosure to be made by virtue of such Bill; or the Agent ordinarily intrusted with the care, superintendence, or management of the Estate of any Person so interested. Disqualification of certain Persons as Commissioners, Surveyors, &c.

165.

In every Bill for inclosing, draining or improving Lands there shall be inserted a Clause, providing what sum of Money in the whole, or by the day, shall be paid to each of the Commissioners to be appointed by such Bill, in satisfaction of the expense and trouble which he shall incur in the execution of the powers thereby given; and also a Clause, providing that the Account of such Commissioner or Commissioners, containing a true statement of all Sums by him or them received and expended or due to him or them for their own trouble or expenses, shall, at least once in every year, from the date of the passing of the Act till such Accounts shall be finally allowed, together with the Vouchers relating to the same, be examined by some Person or Persons to be appointed by the Bill, and the Balance by him or them stated in the Book of Accounts required to be kept in the Office of the Clerk of such Commissioners; and that no charge or item in such Accounts shall be binding on the Parties concerned, or be valid in law, unless the same shall be duly allowed by such Person or Persons. Clause for settling Pay of Commissioners, and passing their Accounts.

Turnpike Roads (Ireland).

166.

In every Bill for making a Turnpike Road in Ireland, or for the continuing or amending any Act passed for that purpose, or for the increase or alteration of the existing Tolls, Rates or Duties upon any such Road, or for widening or diverting any such Road, a Clause shall be inserted, to prevent any Person who shall be nominated a Commissioner from acting or voting in the business of the said Turnpike, unless he shall be possessed of an Estate in Land, or of a Personal Estate, to such certain value as shall be specified in such Bills; and such Qualification shall be extended to the Heirs apparent of Persons possessed of an Estate in Land to a certain value to be specified. Clause for Qualification of Commissioners.

167.

That in every Bill for making a Burial Ground or Cemetery, or the erection of Works for the manufacture of Gas, there shall be a Clause defining the limits within which such Burial Ground, Cemetery or Gas Works shall be erected or made. Clause for defining limits of Burial Ground, Cemetery, or Gas Works.

Proceedings of Select Committee on Divorce Bills.

PROCEEDINGS OF SELECT COMMITTEE ON DIVORCE BILLS.

168.

What Evidence to be given in Divorce Cases.

The Select Committee on Divorce Bills shall require evidence to be given before them that an action for damages has been brought in one of Her Majesty's Courts of Record at Westminster, or in one of Her Majesty's Courts of Record in Dublin, or in one of Her Majesty's Supreme Courts of Judicature of the Presidencies of Calcutta, Madras, Bombay or the Island of Ceylon, respectively, against the persons supposed to have been guilty of Adultery, and judgment for the plaintiff had thereupon; or sufficient cause to be shown to the satisfaction of the said Committee why such action was not brought, or such judgment was not obtained.

169.

When Petitioner for Bill to attend Committee.

The Select Committee on Divorce Bills shall, in all cases in which the Petitioner for the Bill has attended the House of Lords upon the Second Reading of the Bill, require him to attend before them to answer any questions they may think fit that he should answer.

170.

Committee to report Bill in all cases.

The Select Committee on Divorce Bills shall report every such Bill to The House, whether such Committee shall or shall not have agreed to the Preamble, or gone through the several Clauses, or any of them.

V.

THE ORDERS REGULATING THE PRACTICE OF THE HOUSE WITH REGARD TO PRIVATE BILLS.

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V.

THE ORDERS REGULATING THE PRACTICE OF THE HOUSE WITH REGARD TO PRIVATE BILLS.

171.

Petition for Bill, and how to be signed.

No Private Bill shall be brought into this House, but upon a Petition first presented, which shall have been duly deposited in the Private Bill Office, and indorsed by one of the Examiners, with a printed copy of the proposed Bill annexed: And such Petition shall be signed by the Parties, or some of them, who are Suitors for the Bill.

172.

Petitions when to be presented.

All Petitions for Private Bills shall be presented to the House not later than Three clear Days after the same shall have been indorsed by the Examiner, or if, when the same is indorsed, the House shall not be sitting, then not later than Three clear Days after the First sitting thereof subsequent to such indorsement; and if the House shall not be sitting on the latest day on which any Petition ought to be presented, then the same shall be presented on the first day on which the House shall again sit.

173.

How Private Bills to be presented.

All Private Bills which have been ordered to be brought in shall be presented to the House by depositing the same in the Private Bill Office, and shall be laid, by one of the Clerks of that Office, on the Table of the House for First Reading, together with a List of such Bills.

174.

Bill, when to be presented.

No Private Bill shall be read a First Time unless it be presented not later than One clear Day after the presentation of the Petition for leave to bring in the same; or where the Petition has been referred to the Select Committee on Standing Orders, then not later than One clear Day after the House shall have given leave to the Parties to proceed with the Bill.

175.

Petition for additional Provision.

No Petition for additional Provision in any Private Bill will be received by this House, unless a printed Copy of the proposed Clauses be annexed thereto.

176.

Petitions for additional Provision and Estate Bills from Lords, &c. to be referred to Examiner of Petitions.

All Petitions for additional Provision in Private Bills, with the proposed Clauses annexed, and all Estate Bills brought from the House of Lords, and all Bills introduced by leave of The House in lieu of other Bills which shall have been withdrawn, after having been read a First Time, shall be referred to the Examiner of Petitions for Private Bills.

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177.

Bills from Lords to be referred to Examiner.

Whenever any Private Bill which, in pursuance of any Report from the Chairman of the Committee of Ways and Means under Standing Order 78, has originated in the House of Lords, shall have been brought from the House of Lords, such Bill, after having been read a First time, shall be referred to the Examiner of Petitions for Private Bills, before whom the compliance with such Standing Orders as shall not have been previously inquired into shall be proved.

178.

Reports of Examiner to be referred to Committee on Standing Orders.

All Reports of the Examiner of Petitions for Private Bills, in which he shall report that the Standing Orders have not been complied with, and all Special Reports of the said Examiner, shall be referred to the Select Committee on Standing Orders.

179.

Petitions for Dispensation, &c. to be referred to Committee on Standing Orders.

All Petitions praying that any of the Sessional or Standing Orders of The House relating to Private Bills may be dispensed with, and all Petitions for the re-insertion of Petitions for Private Bills in the General List of Petitions, and all Petitions opposing the same, shall be presented to this House by depositing the same in the Private Bill Office; and every such Petition, so deposited, shall stand referred to the Select Committee on Standing Orders.

180.

Printed Bill to be presented.

Every Private Bill, printed on paper, of a size to be determined upon by Mr. Speaker, shall be presented to The House, with a Cover of Parchment attached to it, upon which the Title of the Bill is to be written; and the short Title of the Bill, as first entered on the Votes, shall correspond with that at the head of the Advertisement.

181.

Rates, Tolls and other Matters to be inserted in *Italics*.

The proposed amount of all Rates, Tolls, and other matters heretofore left blank in any Private Bill, when presented to The House, shall be inserted in *Italics* in the printed Bill annexed to the Petition.

182.

What Bills to be printed, and when.

Every Private Bill (except Name Bills) shall be printed; and printed copies thereof delivered to the door-keepers for the use of the Members before the First Reading.

183.

Time between First and Second Reading.

There shall not be less than *Three* clear *days*, nor more than *Seven*, between the First and Second Reading of any Private Bill, unless any such Bill have been referred to the Examiners of Petitions for Private Bills, in which case the Bill shall not be read a second time later than *Seven* clear *days* after the Report of the Examiner, or of the Select Committee on Standing Orders, as the case may be.

184. Every

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184.

Every Petition in favour of or against any Private Bill before The House, or otherwise relating thereto (not being a Petition for additional Provision), shall be presented to this House, by depositing the same in the Private Bill Office, and there shall be indorsed thereon the name or short Title by which such Bill is entered in the Votes, and a Statement that such Petition is in favour of or against the Bill, or otherwise, as the case may be, together with the name of the Member, Party or Agent depositing the same.

Petition relating to Bills to be presented to House by being deposited in the Private Bill Office, and Name of Bill to be indorsed on every Petition.

185.

Any Petitioner or Memorialist may withdraw his Petition or Memorial, on a requisition to that effect being deposited in the Private Bill Office, signed by him or by the Agent who deposited such Petition or Memorial; and where any such Petition or Memorial is signed by more than one person, any person signing such Petition or Memorial may withdraw his opposition by a similar requisition, signed and deposited as aforesaid.

Petitioner or Memorialist may withdraw Petition or Memorial.

186.

In cases where the Second or Third Reading of a Private Bill, or the consideration of a Bill as amended by the Committee, or any proposed Clause or Amendment, is opposed, the same shall be postponed until the day on which the House shall next sit.

When Second or Third Reading opposed to be postponed.

187.

Every Private Bill, not being a Railway, Canal or Divorce Bill, after having been read a Second time and committed, shall stand referred to the Committee of Selection; and if a Railway or Canal Bill, to the General Committee on Railway and Canal Bills; and if a Divorce Bill, to the Select Committee on Divorce Bills.

Bills to stand referred to Committees of Selection, General Committee and Divorce.

188.

When The House shall have been informed by the Chairman of Ways and Means, that in his opinion any unopposed Private Bill should be treated as an opposed Bill, such Bill shall be again referred to the Committee of Selection; or in the case of a Railway or Canal Bill, to the General Committee on Railway and Canal Bills.

When unopposed Bill is to be treated as opposed, to be again referred to Committee of Selection or General Committee.

189.

Every Petition against a Private Bill which shall have been deposited in the Private Bill Office either previous to, or not later than Seven clear days after, the Second Reading of such Bill, or which shall have been otherwise deposited under the provisions of Standing Order 118, shall stand referred to the Committee on such Bill; and, subject to the Rules and Orders of this House, such Petitioners as shall have prayed to be heard, by themselves, their Counsel or Agents, shall be heard upon their Petition accordingly, if they think fit, and Counsel heard, in favour of the Bill, against such Petition.

Petition against Bill, if duly deposited in Private Bill Office, to stand referred to Committee on Bill, &c.

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190.

Time between Second Reading and Committee.

There shall be *Eight* clear *days* between the Second Reading of every Private Bill and the sitting of the Committee thereupon, except in the case of Name Bills, Naturalisation Bills, and Estate Bills, (not being Bills relating to Crown, Church or Corporation property, or property held in trust for Public or Charitable purposes), in respect of which there shall be *Three* clear *days* between the Second Reading and the Committee.

191.

Reports of Departments to stand referred to Committee on Bill.

All Reports made under the authority of any Public Department upon a Private Bill, or the objects thereof, laid before the House, shall stand referred to the Committee on the Bill.

192.

Report of Bills.

The Report upon every Private Bill shall lie upon the Table; and the Bill, if amended in Committee, or a Railway Bill, when reported, shall be ordered to lie upon the Table; and every other Bill, when reported, shall be ordered to be read a Third time.

193.

Bill to be printed after Report.

Every Private Bill, as amended in Committee, shall be printed at the expense of the Parties applying for the same, and delivered to the Door-keepers for the use of the Members, *Three* clear *days* at least before the consideration of such Bill.

194.

Time between Report and Consideration of Bill, &c.

In the case of Private Bills ordered to lie upon the Table, Three clear days shall intervene between the Report and the consideration of the Bill, and no consideration of any such Bill shall take place, unless the Chairman of the Committee of Ways and Means shall have informed The House, or signified in writing to Mr. Speaker, whether the Bill contain the several provisions required by the Standing Orders.

195.

No Clause or Amendment on consideration of Bill, or on Third Reading, to be offered, unless Chairman of Ways and Means shall have informed The House, &c.

No Clause or Amendment shall be offered in the House on the consideration of any Private Bill ordered to lie upon the Table, nor any verbal Amendment on the Third Reading of any Private Bill, unless the Chairman of the Committee of Ways and Means shall have informed The House, or signified in writing to Mr. Speaker, whether, in his opinion, such Clause or Amendment be such as ought or ought not to be entertained by The House, without referring the same to the Select Committee on Standing Orders.

196.

Clauses and Amendments offered on consideration of Bill or verbal Amendments on Third Reading, to be printed.

When any Clause or Amendment is offered on the consideration of any Private Bill ordered to lie upon the Table, or any verbal Amendment on the Third Reading of any Private Bill, such Clause or Amendment shall be printed: And when any Clause is proposed to be amended, it shall be printed *in extenso*, with every addition or substitution in different type, and the

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the omissions therefrom included in brackets and underlined. The expense of printing such Clauses or Amendments, when offered by a party promoting or opposing a Bill, shall be paid by such party.

197.

When any Clause or Amendment on the consideration of any Private Bill ordered to lie upon the Table, or any verbal Amendment on the Third Reading of any Private Bill, shall have been referred to the Select Committee on Standing Orders, no further proceeding shall be had until the Report of the said Select Committee shall have been brought up.

When referred, no further proceeding to be had until Report of Select Committee on Standing Orders.

198.

No Amendments, not being merely verbal, shall be made to any Private Bill on the Third Reading.

No Amendments, except verbal, on Third Reading.

199.

All Amendments made by the House of Lords to any Private Bill shall be printed at the expense of the parties, and circulated with the Votes, prior to such Amendments being taken into consideration; and where any Clause has been amended, it shall be printed *in extenso*, with every addition or substitution in different type, and the omissions therefrom included in brackets and underlined; and when any Amendments are intended to be proposed to the Lords' Amendments, such proposed Amendments shall also be printed in like manner.

Lords' Amendments to be printed and circulated with the Votes prior to consideration, &c.

200.

Every Private Bill, after it has been read a Third time, shall be printed fair, at the expense of the Parties applying for the same.

Bill to be printed fair after Third Reading.

201.

In all cases where it is intended to appoint a Committee to inspect the Journals of the House of Lords with relation to any proceedings upon any Private Bill, previous notice thereof in writing shall be given by the Agent to the Clerks in the Committee Office.

Notice of Committee to inspect Lords' Journals to be given to Committee Clerks.

202.

No Private Bill shall pass through two stages on one and the same day without the special leave of The House.

Bill not to proceed two stages on same day.

203.

Except in cases of urgent and pressing necessity, no Motion shall be made to dispense with any Sessional or Standing Order of The House without due notice thereof.

Notice to be given of Motion for dispensation.

204.

Each day, so soon as The House shall be ready to proceed to Private Business, the Clerk at the Table shall read from the Private Business List, and from the List of Bills presented for

Order of Proceedings in House on Private Business.

Practice of the House.

First Reading (*see* Order 173), the Titles of the several Bills set down therein, according to their precedence, as arranged under the following heads :—

1. Consideration of Lords' Amendments;
2. Third Reading;
3. Consideration of Bills ordered to lie upon the Table;
4. Second Reading;
5. First Reading;

and if upon the reading of each such Title, as aforesaid, no Motion shall be made with respect to such Private Bill, the further proceedings thereon shall be adjourned until the next sitting of The House.

205.

Tolls and Charges not in the nature of a Tax.

That this House will not insist on its privileges with regard to any Clauses in Private Bills sent down from the House of Lords which refer to tolls and charges for services performed, and are not in the nature of a Tax.

6.

VI.

THE ORDERS REGULATING THE PRACTICE IN THE PRIVATE BILL OFFICE.

VI.

THE ORDERS
REGULATING THE PRACTICE IN THE
PRIVATE HALL OFFICE.

VI.

THE ORDERS REGULATING THE PRACTICE IN THE PRIVATE BILL OFFICE.

206.

Private Bill Office and Register.

A Book, to be called "THE PRIVATE BILL REGISTER," shall be kept in a Room, to be called "THE PRIVATE BILL OFFICE," in which Book shall be entered by the Clerks appointed for the business of that Office, the Name, Description and Place of Residence of the Parliamentary Agent in Town, and of the Agent in the Country (if any) soliciting the Bill; and all the Proceedings, from the Petition to the passing of the Bill:—Such Entry to specify, briefly, each day's Proceeding before the Examiners of Petitions respectively, or in The House, or in any Committee to which the Bill may be referred; the day and hour on which the Examiner or the Committee is appointed to sit; the day and hour to which the Proceedings before such Examiners or Committee may be adjourned, and the name of the Clerk attending the same. Such Book to be open to public inspection daily, in the said Office, between the hours of Ten and Six.

207.

Receipt of Documents to be acknowledged.

The receipt of all Documents required, by the Standing Orders of The House, to be deposited in the Private Bill Office, shall be acknowledged by one of the Clerks of the said Office, upon the said Documents, when deposited.

208.

List of Petitions to be kept.

A List of all Petitions for Private Bills shall be kept in the Private Bill Office in the order of their deposit, according to such regulations as shall have been made by Mr. Speaker, which shall be called the "General List of Petitions," and each Petition therein shall be numbered.

209.

Memorials when to be deposited.

All Memorials complaining of non-compliance with the Standing Orders, in reference to Petitions for Bills deposited in the Private Bill Office on or before the 23d December, shall be deposited as follows:

Practice in the Private Bill Office.

If the same relate to Petitions for Bills numbered in the General List of Petitions;

From		
1 to 100	They shall be deposited on or before - - -	January 9th.
101 to 200		„ 16th.
201 and upwards		„ 23d.

And in the case of any Petitions for Bills which may be deposited by leave of The House after the 23d December, such Memorials shall be deposited Three clear Days before the day first appointed for the examination of the Petition.

210.

Deposit of Memorials and Copies thereof in Private Bill Office.

All Memorials shall be deposited in the Private Bill Office before Six of the clock in the evening of any day on which The House shall sit, and before Two of the clock on any day on which The House shall not sit; and Two copies of every such Memorial shall be deposited for the use of the Examiners before Twelve of the clock on the following day.

211.

Time for depositing Memorials in certain cases, &c.

Every Memorial complaining of non-compliance with the Standing Orders of The House in reference to Petitions for additional provision in Private Bills, to Estate Bills brought from the House of Lords, and to Bills introduced by leave of this House in lieu of other Bills which shall have been withdrawn, and referred to the Examiners of Petitions for Private Bills, shall be deposited in the Private Bill Office, together with Two Copies thereof, before Twelve o'clock on the day preceding that appointed for the examination of any such Petition or Bill by the Examiner; and the Examiner shall be at liberty to entertain such Memorial, although the party (if any) who may be specially affected by the non-compliance with the Standing Orders shall not have signed the same.

212.

Deposit of Memorials complaining of non-compliance of Standing Order 177.

Every Memorial complaining of non-compliance with the Standing Orders in cases of Bills referred to the Examiner under Standing Order 177, shall be deposited in the Private Bill Office, together with two copies thereof, before Twelve o'clock on the day preceding that appointed for the examination.

213.

Notice to be given of Examination of Petitions, &c.

One of the Examiners shall give at least *Seven* clear days' notice in the Private Bill Office of the day appointed for the examination of each Petition for a Bill, and at least Two clear days' notice in all cases of Petitions for additional Provision in Private Bills, of Estate Bills brought from the House of Lords, of Bills introduced by leave of this House in lieu of other Bills which shall have been withdrawn, and referred to the Examiners, and of Bills referred in pursuance of Standing Order 177.

214.

Examination Book.

After each Private Bill has been read the First time, its Name (or short Title) shall be copied by the Clerks of the Private Bill Office, from the Clerk's Minute Book of the day, into a separate Book, to be called "THE EXAMINATION BOOK;"—wherein shall be noted the number of such Bill, according to the priority of its being read, and the date of the day of such First Reading.

215. Every

Practice in the Private Bill Office.

215.

Every Private Bill, after it has been read the First time and the Title copied and examined for the Votes, shall be in the custody of the Clerks of the Private Bill Office, until laid upon the Table for the Second Reading; and when committed, shall be taken by the proper Committee Clerk into his charge, till reported.

Custody of Bills.

216.

Between the First and Second Reading of every Private Bill, the Bill shall, according to its priority, be examined, with all practicable despatch, by the Clerks of the Private Bill Office, as to its conformity with the Rules and Standing Orders of The House: and if not in due form, the Examining Clerk shall specify thereon the page in which any irregularity occurs, and shall enter the day of such Examination, together with his own Name, in the Examination Book.

Examination of Bills.

217.

Three clear *days'* Notice in writing shall be given by the Agent for the Bill, to the Clerks in the Private Bill Office, of the day proposed for the Second Reading of every Private Bill, and no such Notice shall be given until the day after that on which the Bill has been ordered to be read a second time.

Notice of Second Reading.

218.

Four clear days' notice shall be given by the Clerk to the Committee of Selection, or by the Clerk to the General Committee on Railway and Canal Bills, as the case may be, to the Clerks in the Private Bill Office, of the day and hour appointed for the meeting of the Committee on every Private Bill that shall have been referred to either of the said Committees, except in the case of Name Bills, Naturalization Bills and Estate Bills, and except in the case of Bills referred back to either of the said Committees as unopposed:—and in the case of such Name Bills, Naturalization Bills and Estate Bills, there shall be *One* clear day's notice given of Committee by the Clerk to the Committee of Selection:—and in the case of Bills not referred to the Committee of Selection, or to the General Committee on Railway and Canal Bills, *Four* clear days' notice, and, in the case of a re-committed Bill, *Three* clear days' notice, shall be given by the Agents for the Bill to the Clerks in the Private Bill Office of the day and hour appointed for the meeting of the Committee, and all the proceedings of any Committee of which such notice shall not have been given, shall be void.

Notice of Committee.

219.

A filled-up Bill, signed by the Agent for the Bill, as proposed to be submitted to the Committee on the Bill, and in the case of a re-committed Bill, a filled-up Bill, as proposed to be submitted to the Committee on re-committal, shall be deposited in the Private Bill Office Two clear days before the meeting of the Committee on every Private Bill; and a Copy of the proposed Amendments shall be furnished by the Promoters to such Parties petitioning against the Bill as shall apply for it, One clear day before the meeting of the Committee.

Filled-up Bill to be deposited in Private Bill Office.

Practice in the Private Bill Office.

220.

Notice of Postponement.

Notice in writing shall be given by the Clerk to the Committee of Selection, or by the Clerk to the General Committee on Railway and Canal Bills, as the case may be, to the Clerks in the Private Bill Office, of the postponement of the first meeting of any Committee on a Private Bill which shall have been referred either to the Committee of Selection, or to the General Committee on Railway and Canal Bills, on the day on which such postponement is made; and in the case of Bills not referred to the Committee of Selection, or the General Committee on Railway and Canal Bills, *One* clear day's notice shall be given by the Agents for the Bill, and, in the case of Divorce Bills, either by the Agents or by the Clerk to the Select Committee on Divorce Bills, to the Clerks in the Private Bill Office of such postponement.

221.

Notice of Adjournment.

Notice, in writing, shall be given by the Committee Clerk to the Clerks in the Private Bill Office, of the day and hour to which each Committee is adjourned.

222.

Notice of consideration of Bill.

One clear *day*'s Notice, in writing, shall be given by the Agent for the Bill, to the Clerks in the Private Bill Office, of the day proposed for the consideration of every Private Bill ordered to lie upon the Table.

223.

Bill as amended in Committee to be delivered in.

The Committee Clerk, after the Report is made out, shall deliver in to the Private Bill Office a printed Copy of the Bill, with the written Amendments made in the Committee; in which Bill, all the Clauses added by the Committee shall be regularly marked in those parts of the Bill wherein they are to be inserted.

224.

Bill printed as amended, to be examined.

Every Private Bill printed as amended in Committee (*see* Order 193), shall be examined by the Clerks in the Private Bill Office, with the Bill delivered in by the Committee Clerk, and the Examining Clerks shall indorse thereon a certificate of such examination.

225.

Notice to be given of Clauses, &c. on consideration of Bill, or verbal Amendments on Third Reading

When it is intended to bring up any Clause or to propose any Amendment on the consideration of any Private Bill ordered to lie upon the Table, or any verbal Amendment on the Third Reading of any Private Bill, Notice shall be given thereof, in the Private Bill Office, One clear day previous to such consideration or Third Reading.

226. *One*

Practice in the Private Bill Office.

226.

Notice of Third Reading.

One clear *day's* Notice, in writing, shall be given by the Agent for the Bill to the Clerks in the Private Bill Office of the day proposed for the *Third Reading* of every Private Bill; and no such Notice shall be given until the day after that on which the Bill shall have been ordered to be read a Third time.

227.

Amendments on consideration of Bill and Third Reading.

The Amendments (if any) which are made on the consideration of any Private Bill ordered to lie upon the Table, and on the Third Reading of any Private Bill, and also such Amendments made by the House of Lords as shall have been agreed to by this House, shall be entered by one of the Clerks in the Private Bill Office upon the printed Copy of the Bill as amended in Committee; which Clerk shall sign the said Copy so amended, in order to its being deposited and preserved in the said Office.

228.

Private Bill sent to The Lords to be indorsed with Certificate of Examination.

Every Private Bill, after it has been printed fair (*see* 200), shall, before the same is sent to the Lords, be examined by the Clerks in the Private Bill Office with the Bill, as read a third time; and the Examining Clerks shall indorse thereon a certificate of such examination.

229.

Notice of consideration of Lords' Amendments.

When Amendments made by the House of Lords to any Private Bill are to be taken into consideration, One clear day's Notice shall be given thereof in the Private Bill Office, and if any Amendments be intended to be proposed thereto, a copy of such Amendments shall also be deposited, and Notice given thereof, One clear day previous to the same being proposed to be taken into consideration; and no such Notice shall be given until the day after that on which such Bill shall have been returned from the House of Lords.

230.

Time for delivering Notices.

All *Notices* required to be given or deposits to be made in the Private Bill Office shall be delivered in the said Office before *Six* of the clock in the *Evening* of any day on which The House shall sit, and before *Two* of the clock on any day on which The House shall not sit; and after any day on which The House shall have adjourned beyond the following day, no Notice shall be given for the first day on which it shall again sit.

231.

Daily Lists of Committees sitting.

The Clerks in the Private Bill Office shall prepare, daily, Lists of all Private Bills, and Petitions for Private Bills upon which any Committee or Examiner is appointed to sit; specifying the Hour of meeting, and the Room where the Committee or Examiner shall sit; and the same shall be hung up in the Lobby of the House.

Practice in the Private Bill Office.

232.

Plans to be verified as Mr. Speaker shall direct.

Every Plan, and Book of Reference thereto, which shall be certified by The Speaker of the House of Commons, in pursuance of any Act of Parliament, shall previously be ascertained, and verified in such manner as shall be deemed most advisable by The Speaker, to be exactly conformable in all respects to the Plan and Book of Reference which shall have been signed by the Chairman of the Committee upon the Bill.

In line 8, the words "and will be passed through in the manner mentioned in such Schedule" have been omitted.

Appendix (A.)

[Form referred to in Page 15.]

No.—— ——

Sir,

We beg to inform you, that Application is intended to be made to Parliament in the ensuing Session for "An Act" [*here insert the Title of the Act*], and that the Property mentioned in the annexed Schedule, or some Part thereof, in which we understand you are interested as therein stated, will be required for the Purposes of the said Undertaking, according to the Line thereof as at present laid out, or may be required to be taken under the usual Powers of Deviation to the Extent of Yards on either side of the said Line which will be applied for in the said Act.

We also beg to inform you, that a Plan and Section of the said Undertaking, with a Book of Reference thereto, have been or will be deposited with the [*several Clerks of the Peace, or principal Sheriff Clerks, as the case may be*] of the Counties of [*specify the Counties in which the Property is situate*], on or before the 30th of November, and that Copies of so much of the said Plan and Section as relates to the [*Parish or extra-parochial place, as the case may be*], in which your Property is situate, with a Book of Reference thereto, have been or will be deposited for public Inspection with the [*Clerk of the said Parish, Clerk of the Parish of adjoining to such extra-parochial place, Schoolmaster of the Parish, Session Clerk, Town Clerk of the Royal Burgh, or the Clerk of the Union in which such Parish is included, as the case may be*], on or before the 30th day of November, on which Plans your Property is designated by the Numbers set forth in the annexed Schedule.

As we are required to report to Parliament whether you assent to or dissent from the proposed Undertaking, or whether you are neuter in respect thereto, you will oblige us by writing your Answer of Assent, Dissent or Neutrality in the Form left herewith, and returning the same to us with your Signature on or before the day of next; and if there should be any Error or Misdescription in the annexed Schedule, we shall feel obliged by your informing us thereof, at your earliest convenience, that we may correct the same without delay.

We are, Sir,

Your most obedient servants,

To

Note.—If the Application be forwarded by Post, the words "Parliamentary Notice" are to be printed or written on the cover.

SCHEDULE referred to in the foregoing Notice, describing the Property therein alluded to, and the Manner in which the Line of the proposed Work, as delineated upon the Plan and Section, will affect the same.

—	Parish, Township, Townland or Extra-parochial Place.	Number on Plans.	Description.	Owner.	Lessee.	Occupier.	Description of the Section of the Line deposited, showing the greatest Height of Embankment, and Depth of Cutting where the Property is intersected by the centre line of the proposed Work.
Property in the Line of the proposed Work, as at present laid out (including Property any part of which is within Eleven yards, or thereabouts, of the centre line of such proposed Work, as delineated upon the Plan).							

—	Parish, Township, Townland, or Extra-parochial Place.	Number on Plans.	Description.	Owner.	Lessee.	Occupier.	
Property within the Limits of the Deviation intended to be applied for.							

Note.—Where the Property is not intersected by the centre Line, the description of the Section is not given in the last column.

The SCHEDULE has been omitted.

The following SCHEDULE has been inserted instead thereof.

SCHEDULE referred to in the foregoing Notice, describing the Property therein alluded to.

———	Parish, Township, Townland, or Extra-parochial Place.	Number on Plans.	Description.	Owner.	Lessee.	Occupier.
Property on the Line of the proposed Work, or within the Limits of the Deviation intended to be applied for.						

APPENDIX (B.)

ANNO PRIMO VICTORIÆ REGINÆ.

CAP. LXXXIII.

AN ACT to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.

WHEREAS the Houses of Parliament are in the habit of requiring that, previous to the introduction of any Bill into Parliament for making certain bridges, turnpike-roads, cuts, canals, reservoirs, aqueducts, waterworks, navigations, tunnels, archways, railways, piers, ports, harbours, ferries, docks and other works, to be made under the authority of Parliament, certain maps or plans and sections, and books and writings, or extracts or copies of or from certain maps, plans or sections, books and writings, shall be deposited in the office of the clerk of the peace for every county, riding or division in England or Ireland, or in the office of the sheriff clerk of every county in Scotland, in which such work is proposed to be made, and also with the parish clerk in every parish in England, the schoolmaster of every parish of Scotland, or in Royal Burghs with the town clerk, and the postmaster of the post town in or nearest to every parish in Ireland, in which such work is intended to be made, and with other persons: And whereas it is expedient that such maps, plans, sections, books, writings and copies or extracts of and from the same, should be received by the said clerks of the peace, sheriff clerks, parish clerks, schoolmasters, town clerks, postmasters and other persons, and should remain in their custody for the purposes hereinafter mentioned; BE it therefore Enacted by The QUEEN's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, THAT whenever either of the Houses of Parliament shall by its Standing Orders, already made or hereafter to be made, require that any such maps, plans, sections, books or writings, or extracts or copies of the same, or any of them, shall be deposited as aforesaid, such maps, plans, sections, books, writings, copies and extracts shall be received by and shall remain with the clerks of the peace, sheriff clerks, parish clerks, schoolmasters, town clerks, postmasters and other persons with whom the same shall be directed by such Standing Orders to be deposited, and they are hereby respectively directed to receive and to retain the custody of all such documents and writings so directed to be deposited with them respectively, in the manner and for the purposes and under the rules and regulations concerning the same respectively directed by such Standing Orders, and shall make such memorials and endorsements on and give such acknowledgments and receipts in respect of the same respectively as shall be thereby directed.

Clerks of the Peace, &c. to receive the Documents herein mentioned, and retain them for the purposes directed by the Standing Orders of the Houses of Parliament.

II. And be it further Enacted, That all persons interested shall have liberty to, and the said clerks of the peace, sheriff clerks, parish clerks, schoolmasters, town clerks and postmasters, and every of them, are and is hereby required, at all reasonable hours of the day, to permit all persons interested to inspect during a reasonable time and make extracts from or copies of the said maps, plans, sections, books, writings, extracts and copies of or from the same, so deposited with them respectively, on payment by each person to the clerk of the peace, sheriff clerk, clerk of the parish, schoolmaster, town clerk or postmaster having the custody of any such map, plan, section, book, writing, extract or copy, One Shilling for every such inspection, and the further sum of One Shilling for every hour during which such inspection shall continue after the first hour, and after the rate of Sixpence for every One hundred words copied therefrom.

Clerks of the Peace, &c. to permit such Documents to be inspected or copied by persons interested.

III. And be it further Enacted, That in case any clerk of the peace, sheriff clerk, parish clerk, schoolmaster, town clerk, postmaster or other person, shall in any matter or thing refuse or neglect to comply with any of the provisions hereinbefore contained, every clerk of the peace, sheriff clerk, parish clerk, schoolmaster, town clerk, postmaster or other person shall for every such offence forfeit and pay any sum not exceeding the sum of Five Pounds; and every such penalty shall, upon proof of the offence before any Justice of the Peace for the county within which such offence shall be committed, or by the confession of the party offending, or by the oath of any credible witness, be levied and recovered, together with the costs of the proceedings for the recovery thereof, by distress and sale of the goods and effects of the party offending, by warrant under the hand of such Justice, which warrant such Justice is hereby empowered to grant, and shall be paid to the person or persons making such complaint; and it shall be lawful for any such Justice of the Peace to whom any complaint shall be made of any offence committed against this Act to summon the party complained of before him, and on such summons to hear and determine the matter of such complaint in a summary way, and on proof of the offence to convict the offender, and to adjudge him to pay the penalty or forfeiture incurred, and to proceed to recover the same, although no information in writing or in print shall have been exhibited or taken by or before such Justice; and all such proceedings by summons without information shall be as good, valid and effectual to all intents and purposes as if an information in writing had been exhibited.

Clerks of the Peace, &c. for every omission to comply with the provisions of this Act, liable to the Penalty of 5 *l.*, to be recovered in a summary way.

Appendix.

Appendix (C.)

ANNO NONO VICTORIÆ REGINÆ.

Cap. XX.

AN ACT to amend an Act of the Second Year of Her present Majesty, for providing for the Custody of certain Monies paid in pursuance of the Standing Orders of either House of Parliament by Subscribers to Works or Undertakings to be effected under the Authority of Parliament.

1 & 2 Vict., c. 117.

WHEREAS an Act was passed in the second year of the reign of Her present Majesty Queen Victoria, intituled, "An Act to provide for the Custody of certain Monies paid in pursuance of the Standing Orders of either House of Parliament, by Subscribers to Works or Undertakings to be effected under the Authority of Parliament:" And whereas it is expedient that the said Act should be repealed and should be re-enacted, with such modifications, extensions and alterations as after mentioned: BE it therefore Enacted, by The Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That the said Act shall be and is hereby repealed: Provided always, That all acts done under the provisions of the said Act shall be good, valid and effectual to all intents and purposes, and that all sums of money paid under the provisions of the said Act shall be dealt with in all respects as if this Act had not been passed.

Recited Act repealed. Monies already paid in to be dealt with as directed by former Act.

Authority to deposit.

II. And be it Enacted, That in all cases in which any sum of money is required by any Standing Order of either House of Parliament, either now in force or hereafter to be in force, to be deposited by the subscribers to any work or undertaking which is to be executed under the authority of an Act of Parliament, if the director or person or directors or persons having the management of the affairs of such work or undertaking, not exceeding Five in number, shall apply to one of the Clerks in the office of the Clerk of the Parliaments with respect to any such money required by any Standing Order of the Lords Spiritual and Temporal in Parliament assembled, or to one of the Clerks of the Private Bill Office of the House of Commons with respect to any such money required by any Standing Order of the Commons in Parliament assembled, to be deposited, it shall be lawful for the Clerk so applied to, by warrant or order under his hand, to direct that such sum of money shall be paid in manner hereinafter mentioned; (that is to say) into the Bank of England in the name and with the privity of the Accountant-general of the Court of Chancery in England, if the work or undertaking in respect of which the sum of money is required to be deposited is intended to be executed in that part of the United Kingdom called England; or into any of the Banks in Scotland established by Act of Parliament or Royal Charter in the name and with the privity of The Queen's Remembrancer of the Court of Exchequer in Scotland, at the option of the person or persons making such application as aforesaid, in case such work or undertaking is intended to be executed in that part of the United Kingdom called Scotland; or into the Bank of Ireland in the name and with the privity of the Accountant-general of the Court of Chancery in Ireland, in case such work or undertaking is intended to be made or executed in that part of the United Kingdom called Ireland; and such warrant or order shall be a sufficient authority for the Accountant-general of the Court of Chancery in England, the Queen's Remembrancer of the Court of Exchequer in Scotland, and the Accountant-general of the Court of Chancery in Ireland, respectively, to permit the sum of money directed to be paid by such warrant or order to be placed to an account opened or to be opened in his name in the bank mentioned in such warrant or order.

Payment of Deposit.

III. And be it Enacted, That it shall be lawful for the person or persons named in such warrant or order, or the survivors or survivor of them, to pay the sum mentioned in such warrant or order into the bank mentioned in such warrant or order in the name and with the privity of the officer or person in whose name such sum shall be directed to be paid by such warrant or order, to be placed to his account there ex-parte the work or undertaking mentioned in such warrant or order, pursuant to the method prescribed by any Act or Acts for the time being in force for regulating monies paid into the said Courts, and pursuant to the General Orders of the said Court respectively, and without fee or reward; and every such sum so paid in, or the securities in or upon which the same may be invested as hereinafter mentioned, or the stocks, funds or securities authorized to be transferred or deposited in lieu thereof as hereinafter mentioned, shall there remain until the same, with all interest and dividends (if any) accrued thereon, shall be paid out of such bank, in pursuance of the provisions of this Act: Provided always, That in case any such director or person, directors or persons, having the management of any such proposed work or undertaking as aforesaid, shall have previously invested in the Three per Centum Consolidated or the Three per Centum Reduced Bank Annuities, Exchequer Bills, or other Government Securities, the sum or sums of money required by any such Standing Order of either House of Parliament as aforesaid to be deposited by the subscribers to any work or

or undertaking which is to be executed under the authority of an Act of Parliament, it shall be lawful for the person or persons named in such warrant or order, or the survivors or survivor of them, to deposit such Exchequer Bills or other Government securities in the bank mentioned in such warrant or order in the name and with the privity of the officer or person in whose name such sum shall by such warrant or order be directed to be paid, or to transfer such Government stocks or funds into the name of the officer or person; and such transfer or deposit shall be directed by such Clerk of the Office of the Clerk of the Parliaments, or such Clerk of the Private Bill Office of the House of Commons, as the case may be, in lieu of payment of so much of the sum of money required to be deposited as aforesaid as the same Exchequer Bills, or other the Government stocks or funds, will extend to satisfy at the price at which the same were originally purchased by the said person or persons, director or directors, as aforesaid, such price to be proved by production of the broker's certificate of such original purchase. Appendix

IV. And be it Enacted, That if the person or persons named in such warrant or order, or the survivors or survivor of them, desire to have invested any sum so paid into the Bank of England or the Bank of Ireland, or any interest or dividend which may have accrued on any stocks or securities so transferred or deposited as aforesaid, the Court in the name of whose Accountant-general the same may have been paid may, on a Petition presented to such Court, in a summary way by him or them, order that such sum or such interest or dividends shall, until the same be paid out to the parties entitled to the same in pursuance of this Act, be laid out in the Three per Centum Consolidated or Three per Centum Reduced Bank Annuities, or any Government security or securities, at the option of the aforesaid person or persons, or the survivor or survivors of them. Investment of Deposit.

V. And be it Enacted, That on the termination of the Session of Parliament in which the Petition or Bill for the purpose of making or sanctioning any such work or undertaking shall have been introduced into Parliament, or if such Petition or Bill shall be rejected or finally withdrawn by some proceeding in either House of Parliament, or shall not be allowed to proceed, or if the person or persons by whom the said money was paid or security deposited, shall have failed to present a Petition, or if an Act be passed authorizing the making of such work or undertaking, and if in any of the foregoing cases the person or persons named in such warrant or order, or the survivors or survivor of them, or the majority of such persons, apply by Petition to the Court in the name of whose Accountant-general the sum of money mentioned in such warrant or order shall have been paid, or such Exchequer Bills, stocks, or funds shall have been deposited or transferred as aforesaid, or to the Court of Exchequer in Scotland, in case such sum of money shall have been paid in the name of the said Queen's Remembrancer, the Court in the name of whose Accountant-general or Queen's Remembrancer such sum of money shall have been paid, or such Exchequer Bills, stocks or funds shall have been deposited or transferred, shall by order direct the sum of money paid in pursuance of such warrant or order, or the stocks, funds or securities in or upon which the same may have been invested, and the interest or dividends thereof, or the Exchequer Bills, stocks or funds so deposited or transferred as aforesaid, and the interest and dividends thereof, to be paid or transferred to the party or parties so applying, or to any other person or persons whom they may appoint in that behalf; but no such order shall be made in the case of any such Petition or Bill being rejected or not being allowed to proceed, or being withdrawn or not being presented, or of an Act being passed authorizing the making of such work or undertaking, unless upon the production of the certificate of the Chairman of Committees of the House of Lords with reference to any proceeding in the House of Lords, or of the Speaker of the House of Commons, with reference to any proceeding in the House of Commons, that the said Petition or Bill was rejected or not allowed to proceed, or was withdrawn during its passage through one of the Houses of Parliament, or was not presented, or that such Act was passed, which certificate the said Chairman or Speaker shall grant on the application in writing of the person or persons, or the majority of the persons, named in such warrant, or the survivor or survivors of them: Provided always, That the granting of any such certificate, or any mistake or error therein or in relation thereto, shall not make the Chairman or Speaker signing the same liable in respect of any monies, stocks, funds and securities which may be paid, deposited, invested or transferred in pursuance of the provisions of this Act, or the interest or dividends thereof. Repayment of Deposit.

Granting Certificate, &c. not to make the Chairman or Speaker signing the same liable.

STANDING ORDERS relative to PUBLIC MATTERS.

Bills respecting Religion.

[30 April 1772.]

THAT no Bill relating to Religion, or the alteration of the Laws concerning Religion, be brought into this House, until the Proposition shall have been first considered in a Committee of the whole House, and agreed unto by The House.

Bills respecting Trade.

[9 April 1772.]

THAT no Bill relating to Trade, or the alteration of the Laws concerning Trade, be brought into The House, until the Proposition shall have been first considered in a Committee of the whole House, and agreed unto by The House.

Applications for Public Money.

[25 June 1852.]

THAT this House will receive no Petition for any Sum of Money, relating to Public Service, or proceed upon any Motion for granting any Money, but what is recommended from The Crown.

Revenues of India.

[21 July 1856.]

That this House will not receive any Petition, or proceed upon any Motion for a Charge upon the Revenues of India, but what is recommended by the Crown.

[29 March 1707.]

That this House will not proceed upon any Petition, Motion or Bill, for granting any Money, or for releasing or compounding any Sum of Money owing to The Crown, but in a Committee of the whole House.

[25 June 1852.]

That if any Motion be made in The House for any Public Aid, or Charge upon the people, the consideration and debate thereof shall not be presently entered upon, but shall be adjourned till such further day as The House shall think fit to appoint, and then it shall be referred to a Committee of the whole House before any Resolution or Vote of The House do pass therein.

[25 March 1715.]

That this House will not receive any Petition for compounding any Sum of Money owing to The Crown, upon any branch of the Revenue, without a Certificate from the proper Officer or Officers annexed to the said Petition, stating the Debt, what Prosecutions have been made for the Recovery of such Debt, and setting forth how much the Petitioner and his Security are able to satisfy thereof.

[22 February 1821.]

That this House will not proceed upon any Motion for an Address to The Crown, praying that any money may be issued, or that any expense may be incurred, but in a Committee of the whole House.

Pecuniary Penalties.

[24 July 1849.]

THAT with respect to any Bill brought to this House from the House of Lords, or returned by the House of Lords to this House, with Amendments, whereby any pecuniary penalty, forfeiture or fee shall be authorized, imposed, appropriated, regulated, varied, or extinguished, this House will not insist on its ancient and undoubted privileges in the following cases:

1. When the object of such pecuniary penalty or forfeiture is to secure the execution of the Act, or the punishment or prevention of offences.

2. Where such fees are imposed in respect of benefit taken or service rendered under the Act, and in order to the execution of the Act, and are not made payable into the Treasury or Exchequer, or in aid of the Public Revenue, and do not form the ground of public accounting by the parties receiving the same, either in respect of deficit or surplus.

3. When such Bill shall be a Private Bill for a Local or Personal Act.

Temporary Laws.

[24 July 1849.]

THAT the precise duration of every Temporary Law be expressed in a distinct Clause at the end of the Bill.

Presentation of Public Petitions.

[14 April 1842.]

THAT every Member offering to present a Petition to The House, not being a Petition for a Private Bill, or relating to a Private Bill before The House, do confine himself to a statement of the Parties from whom it comes, of the number of signatures attached to it, and of the material allegations contained in it, and to the reading of the prayer of such Petition.

That every such Petition not containing matter in breach of the Privileges of this House, and which, according to the Rules or usual Practice of this House, can be received, be brought to the Table by the direction of The Speaker, who shall not allow any Debate, or any Member to speak upon, or in relation to, such Petition; but it may be read by the Clerk at the Table, if required.

That, in the case of such Petition complaining of some present personal grievance, for which there may be an urgent necessity for providing an immediate remedy, the matter contained in such Petition may be brought into discussion on the presentation thereof.

That all other such Petitions, after they shall have been ordered to lie on the Table, be referred to the Committee on Public Petitions, without any Question being put; but if any such Petition relate to any matter or subject, with respect to which the Member presenting it has given Notice of a Motion, and the said Petition has not been ordered to be printed by the Committee, such Member may, after Notice given, move that such Petition be printed with the Votes.

That, subject to the above regulations, Petitions against any Resolution or Bill imposing a Tax or Duty for the current service of the year, be henceforth received, and the usage under which The House has refused to entertain such Petitions be discontinued.

Members' Places.

[6 April 1835.]

THAT no Member's name be affixed to any seat in the House before the hour of Prayers; and that the Speaker do give directions to the doorkeepers accordingly.

[29 April 1858.]

That any Member having secured a seat at Prayers shall be entitled to retain the same until the rising of The House.

Strangers.

[5 February 1845.]

THAT the Serjeant-at-Arms attending this House do, from time to time, take into his custody any Stranger whom he may see, or who may be reported to him to be, in any part of the House or Gallery appropriated to the Members of this House, and also any Stranger who, having been admitted into any other part of the House or Gallery, shall misconduct himself, or shall not withdraw when Strangers are directed to withdraw, while The House, or any Committee of the whole House, is sitting; and that no person so taken into custody be discharged out of custody without the special order of The House.

That no Member of this House do presume to bring any Stranger into any part of the House or Gallery appropriated to the Members of this House, while The House, or a Committee of the whole House, is sitting.

Prayers.

[25 June 1852.]

THAT the Serjeant-at-Arms attending this House do, from time to time, when the House is going to Prayers, give Notice thereof to all Committees; and that all proceedings of Committees, after such Notice, be declared to be null and void, unless such Committees be otherwise empowered to sit after Prayers.

Letters.

[25 June 1852.]

THAT, to prevent the intercepting or losing of Letters directed to Members of this House, the person appointed to bring Letters from the General Post Office to this House, or some other person to be appointed by the Postmaster-General, do for the future, every day during the Session of Parliament, Sundays excepted, constantly attend, from Ten of the clock in the morning till Seven in the afternoon, at the place appointed for the delivery of the said Letters, and take care, during his stay there, to deliver the same to the several Members to whom they shall be directed, or to their known servant or servants, or other persons bringing notes under the hands of the Members sending for the same.

That the said Officer do, upon his going away, lock up such Letters as shall remain undelivered; and that no Letter be delivered but within the hours aforesaid.

That the said Orders be sent to the Postmaster-General at the commencement of each Session.

That, when any Letter or Packet directed to this House shall come to Mr. Speaker, he do open the same; and acquaint the House, at their next sitting, with the contents thereof, if proper to be communicated to this House.

Public Business.

[25 June 1852, amended 5 August 1853, 19 July 1854, 2 August 1860, and 3 May 1861.]

THAT, unless The House shall otherwise direct, all Orders of the Day set down in the Order Book for Mondays, Wednesdays, Thursdays and Fridays, shall be disposed of before The House will proceed upon any Motions of which Notices shall have been given, the right being reserved to Her Majesty's Ministers of placing Government Orders at the head of the list on every Order Day, except Wednesday.

That at the time fixed for the commencement of Public Business, on days on which Orders have precedence of Notices of Motions, and after the Notices of Motions have been disposed of on all other days, Mr. Speaker do direct the Clerk at the Table to read the Orders of the Day, without any Question being put.

That the Orders of the Day be disposed of in the order in which they stand upon the Paper; the right being reserved to Her Majesty's Ministers of placing Government Orders at the head of the List, in the rotation in which they are to be taken on the days on which Government Bills have precedence.

That no Notice shall be given beyond the period which shall include the Four Days next following on which Notices are entitled to precedence; due allowance being made for any intervening adjournment of The House, and the period being in that case so far extended as to include Four Notice Days falling during the sitting of The House.

That The House do meet every Wednesday, at Twelve o'clock at noon, for Private Business, Petitions, Orders of the Day, and Notices of Motions, and do continue to sit until Six o'clock, unless previously adjourned.

That when such business has been disposed of, or at Six o'clock precisely, notwithstanding there may be business under discussion, Mr. Speaker do adjourn The House, without putting any Question.

That the business under discussion, and any business not disposed of at the time of such Adjournment, do stand as Orders of the Day for the next day on which The House shall sit.

That at a quarter before Six o'clock on Wednesday, the Debate on any business then under discussion shall stand adjourned to the next day on which The House shall sit; after which no opposed business shall be proceeded with.

That whenever The House shall be in Committee on Wednesday at a quarter before Six o'clock, the Chairman do report Progress, and Mr. Speaker do resume the Chair.

That whenever the House shall meet, for despatch of business, before Two o'clock, except Wednesday and Saturday, unless The House shall otherwise order, The House will resume its sitting at Six o'clock; and when business has not been disposed of at Ten minutes before Four o'clock, unless The House shall otherwise order, Mr. Speaker shall adjourn the Debate on any business then under discussion, or the Chairman shall report Progress, as the case may be, and no opposed business shall then be proceeded with.

That when such business has not been disposed of at Four o'clock, unless The House shall otherwise order, Mr. Speaker (or the Chairman, in case The House shall be in Committee) do leave the Chair, and The House will resume its sitting at Six o'clock, when the Orders of the Day not disposed of at the morning sitting, and any Motion which was under discussion at Ten minutes to Four o'clock, shall be set down in the Order Book after the other Orders of the Day.

That whenever The House shall be in Committee at Four o'clock, the Chairman do report Progress when The House resumes its sitting.

That all Dropped Orders of the Day be set down in the Order Book after the Orders of the Day for the next day on which the House shall sit.

That

That when any Bill shall be presented by a Member, in pursuance of an Order of this House, or shall be brought from the Lords, the Questions "That this Bill be now read a first time," and "That this Bill be printed," shall be decided without Amendment or Debate.

That the Committees of Supply and Ways and Means shall be fixed for Monday, Wednesday and Friday, and may also be appointed for any other day on which the House shall meet for despatch of business.

That, while the Committees of Supply and Ways and Means are open, the House, when it meets on Friday, shall, at its rising, stand adjourned until the following Monday, without any Question being put, unless the House shall otherwise resolve.

That, while the Committees of Supply and Ways and Means are open, the first Order of the Day on Friday shall be either Supply or Ways and Means, and that on that Order being read, the Question shall be proposed, "That Mr. Speaker do now leave the Chair."

That when a Bill or other matter (except Supply, or Ways and Means) has been partly considered in Committee, and the Chairman has been directed to report Progress, and ask leave to sit again, and The House shall have ordered that the Committee shall sit again on a particular day, The Speaker shall, when the order for the Committee has been read, forthwith leave the Chair, without putting any question, and The House shall thereupon resolve itself into such Committee.

That at the close of the Proceedings of a Committee of the whole House on a Bill, the Chairman shall report the Bill forthwith to The House, and when Amendments shall have been made thereto, the same shall be received, without debate, and a time appointed for taking the same into consideration.

[21 July 1856.]

That no Amendments, not being merely verbal, shall be made to any Bill on the Third Reading.

[19 July 1854.]

That it be an Instruction to all Committees of the whole House to which Bills may be committed, that they have power to make such Amendments therein as they shall think fit, provided they be relevant to the subject-matter of the Bill; but that if any such Amendments shall not be within the Title of the Bill, they do amend the Title accordingly, and do report the same specially to The House.

That the Questions for reading a Bill a First and Second Time in a Committee of the whole House be discontinued.

That in going through a Bill no Questions shall be put for the filling up words already printed in *italics*, and commonly called blanks, unless exception be taken thereto; and if no alterations have been made in the words so printed in *italics*, the Bill shall be reported without Amendments, unless other Amendments have been made thereto.

That on a Clause being offered in the Committee on the Bill, or on the consideration of Report of a Bill, Mr. Speaker or the Chairman do desire the Member to bring up the same, whereupon it shall be read a First Time without Question put, but no Clause shall be offered on consideration of Report without notice.

That Lords' Amendments to Public Bills shall be appointed to be considered on a future day, unless The House shall order them to be considered forthwith.

That every Report from a Committee of the whole House be brought up without any Question being put.

That Bills which may be fixed for consideration in Committee on the same day, whether in Progress or otherwise, may be referred together to a Committee of the whole House, which may consider on the same day all the Bills so referred to it, without the Chairman leaving the Chair on each separate Bill; provided that, with respect to any Bill

not in Progress, if any Member shall object to its consideration in Committee, together with other Bills, the Order of the day for the Committee on such Bill shall be postponed.

Office of Speaker.

[20 July 1855.]

THAT whenever the House shall be informed by the Clerk at the Table of the unavoidable absence of Mr. Speaker, the Chairman of the Committee of Ways and Means do perform the duties and exercise the authority of Speaker in relation to all proceedings of this House, as Deputy Speaker, until the next meeting of the House, and so on from day to day, on the like information being given to the House, until the House shall otherwise order; provided that if the House shall adjourn for more than twenty-four hours, the Deputy Speaker shall continue to perform the duties and exercise the authority of Speaker for twenty-four hours only after such adjournment.

Strangers and Divisions.

[19 July 1854.]

THAT, except when Mr. Speaker or the Chairman of a Committee of the whole House shall otherwise direct, his order for the withdrawal of Strangers during a Division, shall be understood to apply to Strangers occupying seats below the Bar and in the Front Gallery, and shall be enforced by the Serjeant-at-Arms accordingly.

That so soon as the voices have been taken, the clerk shall turn a two-minute sand-glass, to be kept on the table for that purpose, and the doors shall not be closed until after the lapse of two minutes, as indicated by such sand-glass.

That the doors shall be closed so soon after the lapse of two minutes as the Speaker or the Chairman of the Committee of the whole House shall think proper to direct.

Select Committees.

[21 July 1856.]

THAT on Wednesdays and other Morning Sittings of the House, all Committees shall have leave to sit, except while the House is at Prayers, during the sitting, and notwithstanding any adjournment of the House.

[25 June 1852.]

That no Select Committee shall, without leave of the House, consist of more than Fifteen Members; that such leave shall not be moved for without Notice; and that in the case of Members proposed to be added or substituted after the first appointment of the Committee, the Notice shall include the Names of the Members proposed to be added or substituted.

That every Member intending to move for the appointment of a Select Committee, do endeavour to ascertain previously whether each Member proposed to be named by him, on such Committee, will give his attendance thereupon.

That every Member intending to move for the appointment of a Select Committee, shall, One day next before the nomination of such Committee, place on the Notices the Names of the Members intended to be proposed by him, to be Members of such Committee.

That

THAT lists be affixed in some conspicuous place in the Committee Office, and in the Lobby of the House, of all Members serving on each Select Committee.

THAT to every Question asked of a Witness under examination, in the Proceedings of any Select Committee, there be prefixed in the Minutes of the Evidence the Name of the Member asking such Question.

THAT the Names of the Members present each day on the sitting of any Select Committee be entered on the Minutes of Evidence, or on the Minutes of the Proceedings of the Committee (as the case may be), and reported to the House on the Report of such Committee.

THAT in the event of any Division taking place in any Select Committee, the Question proposed, the Name of the Proposer, and the respective Votes thereupon of each Member present, be entered on the Minutes of Evidence, or on the Minutes of the Proceedings of the Committee (as the case may be), and reported to the House on the Report of such Committee.

THAT if, at any time during the sitting of a Select Committee of this House, the Quorum of Members fixed by the House shall not be present, the Clerk of the Committee shall call the attention of the Chairman to the fact, who shall thereupon suspend the Proceedings of the Committee until a Quorum be present, or adjourn the Committee to some future day.

JEWS.

[15 August 1860.]

THAT any person professing the Jewish Religion may henceforth, in taking the Oath prescribed in an Act passed in the twenty-second year of Her Majesty to entitle him to sit and vote in this House, omit the words "and I make this declaration upon the true faith of a Christian."

PUBLIC ACCOUNTS.

[3 April 1862.]

THAT there shall be a Standing Committee, to be designated "The Committee of Public Accounts," for the examination of the Accounts showing the appropriation of the sums granted by Parliament to meet the Public Expenditure, to consist of Nine Members, who shall be nominated at the commencement of every Session, and of whom Five shall be a Quorum.

After the word "Committee," 9 lines from bottom of page, the words "or the Referees" have been inserted.

After the word "Committee," 8 lines from bottom, the words "or the Referees" have been inserted.

A TABLE of the FEES to be charged at The House of Commons.

FEES to be paid by the PROMOTERS of a PRIVATE BILL.

	£.	s.	d.
On the deposit of the Petition, Bill, Plan, or any other Document in the Private Bill Office	5	–	–
For every day on which the Examiners shall inquire into the compliance with the Standing Orders	5	–	–
For Proceedings in the House.			
On the presentation of the Petition for the Bill	5	–	–
On the First Reading of the Bill	15	–	–
On the Second Reading of the Bill	15	–	–
On the Report from the Committee on the Bill	15	–	–
On the Third Reading of the Bill	15	–	–

Bills from the Lords, commonly called Estate Bills, Divorce Bills, Naturalization Bills and Name Bills, to be charged only one-half of the preceding Fees.

The preceding Fees on the Petition, First, Second and Third Readings, and Report, to be increased according to the money to be raised or expended under the authority of any Bill for the execution of a Work, in conformity with the following Scale :—

If the sum be 100,000 *l.* and under 500,000 *l.* twice the amount of such Fees.

If the sum be 500,000 *l.* and under 1,000,000 *l.* three times the amount of such Fees

If the sum be 1,000,000 *l.* and above, four times the amount of such Fees.

For Proceedings before any Committee or the Referees.

	£.	s.	d.
For every day on which the Committee or the Referees shall sit,—			
If the Promoters of the Bill appear by Counsel	10	–	–
If they appear without Counsel	5	–	–

FEES to be paid by the OPPONENTS of a PRIVATE BILL.

	£.	s.	d.
On the deposit of every Memorial complaining that the Standing Orders have not been complied with	1	–	–
On the presentation or deposit of every Petition against a Private Bill	2	–	–

For Proceedings before the Examiners, or before any Committee.

	£.	s.	d.
For every day on which the Examiners shall inquire into any Memorial complaining of a non-compliance with the Standing Orders	3	–	–
For every day on which the Petitioners appear before any Committee or the Referees	2	–	–

GENERAL FEES.

	£.	s.	d.
On every Motion, Order or Proceeding in the House upon a Private Bill, Petition, or matter not otherwise charged	1	–	–
For Copies of all Papers and Documents, at the rate of 72 words in every folio,—			
If five folios or under	–	2	6
If above five folios, per folio	–	–	6
For the Copy of a Plan made by the parties	1	–	–
For the inspection of a Plan, or of any document	–	5	–
For every Plan or Document certified by The Speaker pursuant to any Act of Parliament	10	–	–
For every day on which any parties shall be heard by Counsel at the Bar, from each side	10	–	–
For every day on which a Committee of the whole House shall sit on a Private Bill or matter	6	–	–
For serving any Summons or Order on a Private Bill or matter	1	–	–
For Riding Charges, if on any Private Bill or matter, per mile	–	1	–
For every Order for the commitment or discharge of any person	1	–	–
For taking any person into custody for a Breach of Privilege or Contempt	5	–	–
For taking any person into custody for any other cause	2	–	–
For every day on which any person shall be in custody	1	–	–
For Riding Charges, per mile	–	–	6

FEES to be paid on the Taxation of Costs on Private Bills.

	£.	s.	d.
For every application or reference to "The Taxing Officer of the House of Commons," for the Taxation of a Bill of Costs	1	–	–
For every £.100 of any Bill which shall be allowed by the Taxing Officer	1	–	–
On the deposit of every Memorial complaining of a Report of the Taxing Officer	1	–	–
For every Certificate which shall be signed by The Speaker	1	–	–
For Copies of any Documents in the office of the Taxing Officer, per folio of seventy-two words	–	1	–

That the same Fees be paid in case The Speaker shall refer to the Taxing Officer any Bill of Costs, under the authority of an Act of the sixth year of his late Majesty King George the Fourth, "To establish a Taxation of Costs on Private Bills in the House of Commons."

That every Bill for the particular interest or benefit of any person or persons, whether the same be brought in upon Petition, or Motion, or Report from a Committee, or brought from the Lords, hath been and ought to be deemed a Private Bill within the meaning of the Table of Fees.

Line 6, after the word "Committee" the words "or the Referees" have been inserted.

FEES to be taken by the SHORT HAND WRITER.	£.	s.	d.
For every day he shall attend - - - - - -	2	2	–
For the transcript of his notes, per folio of 72 words - -	–	–	9

The preceding Fees shall be charged, paid and received at such times, in such manner, and under such regulations, as The Speaker shall from time to time direct.

Veneris, 25° *die Junii*, 1852.

Ordered, THAT the said Table of Fees be a Standing Order of this House.

REPORT

FROM THE

SELECT COMMITTEE

ON

STANDING ORDERS REVISION;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed*,
21 *July* 1864.

510.

Under 16 *oz*

REPORT

FROM THE

SELECT COMMITTEE

ON

STANDING ORDERS REVISION;

WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
21 *July* 1864.

510—I,

Jovis, 14° *die Julii*, 1864.

Ordered, THAT a Select Committee be appointed "to revise the Standing Orders."

Committee nominated of—

Mr. Massey.	Mr. Edward Egerton.
Lord Stanley.	Mr. Scourfield.
Mr. Edward Pleydell Bouverie.	Mr. Hassard.
Mr. Milner Gibson.	Mr. Adair.
Mr. Gathorne Hardy.	Mr. Lowe.
Lord Robert Cecil.	Colonel French.
Mr. Ingham.	Colonel Wilson Patten.

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Ordered, THAT it be an Instruction to the Committee to consider the expediency of constituting Referees under the authority of this House, for the more speedy and economical decision of certain questions of fact commonly arising in the proceedings upon Private Bills.

Veneris, 15° *die Julii*, 1864.

Ordered, THAT the Committee do consist of 17 Members.

Ordered, THAT Mr. Ayrton, Sir Henry Willoughby, and Mr. Richard Hodgson, be added to the Committee.

Jovis, 21° *die Julii*, 1864.

Ordered, THAT the Committee have power to report their Observations, together with the Minutes of Evidence taken before them, to The House.

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PROCEEDINGS OF THE COMMITTEE - - - - - - p. iv
MINUTES OF EVIDENCE - - - - - - - - - p. 1

REPORT.

THE SELECT COMMITTEE appointed to revise the STANDING ORDERS, and who were instructed to consider the expediency of constituting REFEREES under the authority of this House for the more speedy and economical decision of certain Questions of Fact commonly arising in the PROCEEDINGS upon PRIVATE BILLS;——HAVE considered the Matters to them referred, and have agreed to Report the STANDING ORDERS, as revised by them, to the House.

21 *July* 1864.

PROCEEDINGS OF THE COMMITTEE.

Veneris, 15° *die Julii*, 1864.

MEMBERS PRESENT:

Mr. Milner Gibson.	Mr. Richard Hodgson.
Colonel Wilson Patten.	Mr. Hassard.
Mr. Adair.	Mr. Lowe.
Mr. Gathorne Hardy.	Mr. Edward Egerton.
Mr. Ingham.	Colonel French.
Mr. Scourfield.	Lord Robert Cecil.
Lord Stanley.	

Colonel WILSON PATTEN was called to the Chair.

The Committee deliberated.

[Adjourned to Monday, at Twelve o'clock.

Lunæ, 18° *die Julii*, 1864.

MEMBERS PRESENT:

Colonel WILSON PATTEN in the Chair.

Mr. Adair.	Mr. Ayrton.
Lord Stanley.	Mr. Lowe.
Mr. Milner Gibson.	Lord Robert Cecil.
Mr. Scourfield.	Mr. Ingham.
Mr. Massey.	Mr. Hassard.

Mr. *Thomas Coates*, Mr. *George Pritt*, and Mr. *Charles Frere*, were severally examined.

The Committee deliberated.

[Adjourned to To-morrow, at Twelve o'clock.

Martis, 19° *die Julii*, 1864.

MEMBERS PRESENT:

Colonel WILSON PATTEN in the Chair.

Mr. Bouverie.	Mr. Massey.
Mr. Hardy.	Mr. Adair.
Mr. Scourfield.	Mr. Lowe.
Mr. Ingham.	Mr. Ayrton.
Mr. Hassard.	Lord Robert Cecil.
Lord Stanley.	Mr. Egerton.
Mr. Milner Gibson.	Sir Henry Willoughby.

The Committee deliberated.

Motion made, and Question, That the following be a new Order: "The Chairman of Ways and Means, with not less than three other persons, who shall be appointed by Mr. Speaker for such period as he shall think fit, shall be Referees of the House on Private Bills, such References to form one or more Courts; two at least to be required to constitute each Court"—(*Chairman*")—put, and *agreed to.*

Motion

Motion made, and Question, That the following be a new Order:—" The Chairman of Ways and Means shall be the Chairman of the Referees; and at any sitting of the Referees at which the Chairman is not present, one of the other Referees, whom the Chairman shall nominate for that purpose, shall be the acting Chairman"—(*Chairman*)—put, and *agreed to.*

Motion made, and Question, That the following be a new Order:—" The practice and procedure of the Referees, their times of sitting, order of business, and the forms and notices required in their proceedings, shall be prescribed by rules, to be framed by the Chairman of Ways and Means, subject to alteration by him as occasion may require. All such rules and alterations, when made, to be laid on the Table of the House"—(*Chairman*)—put, and *agreed to.*

Motion made, and Question, That the following be a new Order:—

" The Referees shall inquire into all or any of the following matters as to which parties petitioning against any Bill desire to be heard in opposition, viz.:—

" 1. In the case of Bills of the second class for authorising the construction of Works, the engineering details of the undertaking, the efficiency of the Works for the proposed object, and the sufficiency of the estimate for executing the same.

" 2. In the case of Bills for authorising a new line of Railway, the statistics of the traffic proposed to be accommodated.

" 3. In the case of Waterworks Bills, the nature and amount of the existing and the proposed source of supply, the quality of the water in each case, and the provisions as to storage reservoirs.

" 4. In the case of Gas Bills, the quality of the gas, the existing supply and its price, the amount of pressure, the cost of production, and the modes of testing the purity and illuminating power of the gas"—(*Chairman*)—put, and *agreed to.*

Motion made, and Question, That the following be a new Order:—" So soon as the inquiry into the matters referred to them upon any Bill has been completed, the Referees shall make their Report upon the same to the House, and the Report shall thereupon stand referred to the Select Committee on the Bill. No further evidence shall be taken by the Committee to prove or disprove any of the facts reported by the Referees"—(*Chairman*)—put, and *agreed to.*

Motion made, and Question, That the following be a new Order:—" The Select Committee to which any Bill has been referred may, subject to the approval of the Chairman of Ways and Means, refer any question arising in the course of their inquiry, which they may deem suitable to be so referred to the Referees for their decision. Such question to be stated in writing, and signed by the Chairman of the Committee. The Referees, so soon as their inquiry has been completed, to return the question, with their decision certified thereon, to the Chairman"—(*Chairman*)—put, and *agreed to.*

Motion made, and Question proposed, That the following be a new Order:—" All questions respecting the rights of petitioners to be heard upon their petitions against any Private Bill, shall be referred to and decided by the Referees, previously to the sitting of the Committee upon such Bill"—(*Chairman*).—Amendments made.—Question put, and *negatived.*

Motion made, and Question, That the following be a new Order:—" The Chairman of Ways and Means shall decide upon all petitions as to the rights of the petitioners to be heard upon such petitions, without prejudice however to the powers of the Select Committee to which the Bill is referred to decide upon any question as to such rights arising incidentally in the course of the proceedings"—(Mr. *Hardy*)—put, and *agreed to.*

Standing Order 19 read, amended, and *agreed to.*

(Appendix A.) amended, and *agreed to.*

Standing Order 74, amended, and *agreed to.*

Standing Order 118, amended, and *agreed to.*

Standing Order 143 read.—Amendment proposed (line 13), after the word " Railway," to insert the words, " The amounts subscribed and paid by the persons named and described in the Schedule to the Bill, the *bona fides* of such subscription, and the correctness of the names, residences, and description of the subscribers"—(Mr. *Scourfield*).—Amendment, by leave, *withdrawn.*

Motion made, and Question proposed, That the following be a new Order:—" In every Railway Bill authorising the construction of new works, not being promoted by an existing Company possessed of a Railway already opened for public traffic, and paying a dividend upon their ordinary shares or stock, and not proposing to raise by shares a capital greater in amount than the sum of their existing authorised share capital, there shall be inserted a

Schedule containing the names, residences, and description of the subscribers to the undertaking, with the sums contributed and paid by them set opposite to their respective names, amounting in the aggregate to not less than 8 per cent. of the estimated cost. No single subscription to be for a less sum than 20*l.*"—(Mr. *Scourfield.*)—Motion, by leave, *withdrawn.*

Standing Order 143 amended, and *agreed to.*

Standing Order 144 read.—Motion made, and Question proposed, to substitute instead thereof the following proposed new Order:—"It shall be an Instruction to the Committee on every Railway Bill, authorising the construction of any new railway, or the extension of time for the completion of any railway, in case they shall find the preamble to be proved, to insert one or other of such provisions as follows, viz.:—1. In every such Railway Bill, promoted by an existing Railway Company, being possessed of a Railway already opened for public traffic, and paying a dividend for the time being upon their ordinary shares or stock, and not proposing to raise a capital by shares greater in amount than the existing authorised share capital of the company, a clause providing that, after the expiration of a period specified in the Bill, not exceeding in the case of a new line five years, and in case of extension of time three years, from the passing of the Bill, the company shall be liable to a penalty of 50*l.* per day, to be recoverable as a debt due to the Crown, for every day after the period so limited, until such line shall be completed and opened for public traffic; but that no penalty shall accrue in respect of any time during which it shall appear, by a certificate to be obtained from the Board of Trade, that the company were prevented from completing or opening such line by unforeseen accident or circumstances beyond their control; but the want of sufficient funds shall not be deemed to be a circumstance beyond the control of the company. Provided that no company shall, by reason of such default as aforesaid, become liable to penalties which would exceed, in their aggregate amount, the proportion of 8 per cent. upon the share capital authorised by the Bill. 2. In every such Railway Bill, promoted by an existing Railway Company, not being possessed of a railway already opened for public traffic, or not paying a dividend for the time being upon their ordinary shares or stock, or seeking by such Bill to raise a capital by shares greater in amount than the existing authorised share capital of the company, a clause by which, after reciting the fact of the subscription having been made and the amount paid, as stated in the Schedule, it shall be enacted that, so soon as it shall be proved to the satisfaction of the Board of Trade that the company have paid up one-half of their authorised share capital, and have expended that amount on their undertaking, it shall be lawful for the company to withdraw the sum deposited, under the Standing Orders of this House, for the purpose of the undertaking; and thereupon they shall issue shares to the subscribers or their assigns, to the amount represented by their respective subscriptions"—(Mr. *Scourfield*).—Motion, by leave, *withdrawn.*

Standing Order 144, *agreed to.*

Motion made, and Question proposed, That the following be a new Order:—"The following clauses to be inserted in all Bills containing powers to companies to 'enter into traffic agreements,' or to 'work railways and steamboats,' respectively:—

"CLAUSE relative to Companies entering into Traffic Agreements.

"(Regulations as to Traffic Agreements.)

"The several powers to enter into and carry into effect traffic arrangements and agreements under this Act shall be subject to the several conditions and restrictions, and the several companies parties thereto shall observe the regulations hereinafter mentioned, (that is to say:—

"1. Every such traffic arrangement shall be carried out by a written agreement; before the companies enter into any traffic agreement, notice of their intention to do so shall be given by them, or one of them, in a form to be approved by the Board of Trade, inserted once at least in each of three successive weeks in some newspaper published in the county in which the principal office of each of the companies parties to such agreement is situate; and the notice shall state at what time copies of the proposed agreement will be deposited at the Board of Trade for public inspection, and within what time and in what manner any company or person affected by the proposed agreement, and desiring to object thereto, may bring the objection before the Board of Trade.

"2. The agreement shall not have any operation until it is approved by the Board of Trade, and the Board of Trade shall not approve the agreement without being satisfied that all the conditions and restrictions imposed by this Act have been complied with.

"3. After the agreement has been approved by the Board of Trade, the same shall be printed at the expense of the parties thereto, and three copies thereof shall be deposited at the Board of Trade.

"4. All companies and persons shall be entitled to inspect the proposed agreement, and also a copy of the agreement when completed, and to have copies thereof or extracts

extracts therefrom respectively, upon payment of such fee for such inspection or copies or extracts, and subject to such regulations as the Board of Trade shall from time to time direct.

"5. Every Company or person party to any such agreement shall, if required by any other Company or person not parties thereto, and conveying traffic by any route which is a competitive route with the route by which traffic is conveyed by any Company or person party to the said agreement between the same common points, enter into a similar agreement with the Company or person requiring the same, but subject in all respects to the conditions and restrictions imposed by this Act.

"6. If any question shall arise as to whether any route is a competitive route, so as to entitle any Company or person claiming the same to the benefit of an agreement under the last regulation, the Board of Trade, on the application of either Company, shall decide the same, and make such order thereon as they may think fit; and if by such order any Company or person party to an existing traffic agreement shall be ordered to enter into and carry into effect any similar agreement with any other Company or person, and shall fail to comply with such order within the time and in the manner therein directed, then the Company or person making such default shall be liable to a penalty of 100 *l.* a-day, to be paid to the Company or person for whose benefit such agreement shall have been directed to be entered into.

"Clause relative to Companies Owning or Working Railways and Steamboats.

"(Regulating Fares and Charges for Passengers and Traffic carried by Land and Sea.)

"If under the powers of this Act, or of any agreement thereunder, any Company or Companies become carriers of passengers and traffic by Railway and by sea at one through rate or charge for the whole distance, or at one through rate or charge for the sea route and any part of the Railway route on either side thereof, or both, then such Company or each of such Companies shall publish a monthly list of fares and charges showing the amount of such through rate or charges, and also the portion thereof which is attributed to the sea route used by such passengers or traffic, and the portion thereof which is attributed to the Railway route on either side thereof respectively; and during the month for which such list of fares and charges shall be published, no other fares or charges shall be taken in respect of the class of passengers or traffic to which such list of fares and charges apply, and any other Company conveying passengers or traffic by Railway to the ports of departure and arrival on such route shall be entitled to have such passengers and traffic carried over the sea route between the same ports at the rate attributed to passengers or traffic in such published list of fares and charges conveyed over the same sea route; and any Company or person conveying passengers or traffic over the sea route between the same ports shall be entitled to have such passengers and traffic carried over the Railway route between the same common points at the rate attributed to such Railway route in the said published list of fares and charges; and all passengers and traffic conveyed over the sea route only, or over the railway route (on either side) only, shall be entitled to the same privileges and advantages, and to be forwarded by the same trains and vessels without detention or delay, as the same classes of passengers and traffic conveyed at the same rate of fare or charge over the whole of the Railway and sea routes are entitled to according to the said published list of fares and charges, and the Train and Steamboat Time Tables to which they refer"—Mr. *Ayrton*).—Motion, by leave, *withdrawn.*

Standing Order 8 read, and *agreed to.*

Several other Orders amended, and *agreed to.*

[Adjourned to To-morrow, at Twelve.

Mercurii, 20° *die Julii*, 1864.

MEMBERS PRESENT:

Colonel WILSON PATTEN in the Chair.

Mr. Adair.	Mr. Lowe.
Mr. Hassard.	Mr. Ayrton.
Mr. Ingham.	Mr. Massey.
Mr. Scourfield.	Sir Henry Willoughby.

Standing Orders 108 and 111 read, and *omitted.*

Motion made, and Question, That the following be a new Order:—"If at any time during the sitting of a Committee, all the Members of the Committee shall not be present, the proceedings shall be suspended, and if at the expiration of one hour from the time at which the proceedings shall have been suspended, all the Members shall not be

present, the Committee shall stand adjourned till the next day on which the House shall sit, and then shall meet at the hour at which such Committee would have sat had no such adjournment taken place, and every such adjournment shall be reported to the House at its next sitting"—(Colonel *Wilson Patten*)—put, and *agreed to.*

Standing Order 113 read, amended, and *agreed to.*

Motion made, and Question, That the following be a new Order:—"If all the parties before a Committee shall consent to proceed with less than three Members, such consent shall be reported to the House, and, with the leave of the House, the Committee may proceed accordingly"—(Colonel *Wilson Patten*)—put, and *agreed to.*

Motion made, and Question proposed, That the following be a new Order:—

Bills for confirming Provisional Orders.

"Bills for the confirmation of Provisional Orders requiring the confirmation of Parliament to be brought in on or before the 1st day of May in each year, or, if the House be not then sitting, on the next day after the 1st day of May on which the House shall sit.

"There shall be eight clear days between the second reading of such Bill and the sitting of the Committee of the whole House thereon; and if, either previous to or not later than seven clear days after the second reading, any petition in which the petitioner or petitioners shall have prayed to be heard by their counsel, agents, and witnesses, be presented to the House by being deposited in the Private Bill Office, the Bill shall be referred to the Committee of Selection, and shall be in all respects dealt with as if the Bill were a Private Bill, until the Bill be reported to the House"—(*Chairman*).—Motion, by leave, *withdrawn.*

Ordered, To Report the Standing Orders, as revised by the Committee, to the House.

Ordered, to Report.

MINUTES OF EVIDENCE.

WITNESSES.

Lunæ, 18° *die Julii*, 1864.

Thomas Coates, Esq. - - - - - - - - and George Pritt, Esq. - - - - - - - - p. 1

Charles Frere, Esq. - - - - - - - - p. 26

MINUTES OF EVIDENCE.

Lunæ, 18° *die Julii*, 1864.

PRESENT:

Mr. Adair.	Mr. Lowe.
Mr. Ayrton.	Mr. Massey.
Lord Robert Cecil.	Colonel John Wilson Patten.
Mr. Milner Gibson.	Mr. Scourfield.
Mr. Hassard.	Lord Stanley.
Mr. Ingham.	

Colonel JOHN WILSON PATTEN, IN THE CHAIR.

Thomas Coates, Esq., and *George Pritt*, Esq., were called in, and Examined.

T. Coates, Esq., and *G. Pritt*, Esq.

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1. *Chairman.*] (To Mr. *Coates.*) YOU were good enough to say that you would look over the Standing Orders of the House, with a view of ascertaining whether we could shorten the proceedings on Private Bills on their first admission to Parliament; have you done so?—I have made out a scheme for that purpose, which, if you please, I will put into your hands, and then I will read to you what I have done; and perhaps the Commitee will permit me to say that although I believe that my brethren agree with me in some of my suggestions, they do not in all, therefore I am responsible for my own suggestions, and I alone: I understood, at the interview which I had with you, that you were desirous of saving as much time, at the outset of Parliamentary proceedings, as possible. The first proceeding of all is the publication of notices; those notices are to be published three times, in three successive weeks, in the months of October and November; practically, like all things, they are delayed till the last moment, and the time at which they are published is usually the last three weeks in November; that is to say, the last day upon which the "Gazette" is published in November, or the last day upon which the local newspapers are published in November, is the measure of publication. I propose that one of those publications shall be cut off. There is no charm in the three publications in the three successive weeks, and I cannot help thinking that two successive weeks, and a publication in the "Gazette," would be just as useful to the public as the three successive weeks; and I would propose that the publication shall be in two successive weeks, and that the latest publication shall not be later than the 15th of November.

2. What is it now?—The 30th of November.

3. Upon that subject you do not think it would be possible to keep the three weeks, and advance the first notice?—I think not. The parties require to know pretty well what the engineers have done; their notice is founded upon the plans and upon the report of the engineers, and those things could not be well ready before the 20th of October: the engineer has not determined upon what his plans shall be, or his course of proceeding, or the parishes through which his works will go, nor has the solicitor quite determined with his directors whether certain things are to be done before the 20th of October; the 20th of

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October is the very latest day upon which we could get instructions, in order to insert our advertisements in the first fortnight in November.

4. Between the 20th of October and the 15th of November there would be time enough for a three weeks' publication, would there not?—No; because the preparation would occupy a certain part of that time. I take it for granted that if there are only two weeks' publication, the first publication would be, upon the average, somewhere about the 5th of November: for that we have to get instructions, and we have to do that which is a somewhat difficult process, namely, to prepare the notices; those notices, as the Committee know very well, are not mere formal documents, they are not blanks to be filled up.

5. Having brought the last day for your notices to the 15th of November, what do you propose with regard to depositing the plans which you now have to deposit on the 30th of November?—I propose that they should be deposited on the 20th of November; that saves ten days in that operation. Then the applications to the landowners, which are now made upon the 15th of December, I would propose to have made upon the 5th of December; and here I would repeat, though I do not know that it is quite within your scope, that which I have more than once suggested to Committees for the revision of the Standing Orders, that the description of the section in the Schedule to those notices should be omitted altogether, as a thing which is utterly useless and very costly.

6. How do you propose to let a landowner know how his property is affected; only by examining the plans?—Yes, only by examining the plans. The description of the section in the Schedule to the landowner, in point of fact, may not only be no description at all, but may mislead him; the limits of deviation being 100 yards on each side in an undulating country may totally alter the description of the works which may really be made upon his property. If the country, is a flat country he does not need to be told that the work will be upon the surface or upon an embankment of two or three feet high; he knows all about that; but at all events the description in the Schedule, so far from telling him what works will be effected upon his property, may mislead him greatly in consequence of the limits of deviation, which are always exercised to a certain extent.

7. Does not it enable him to take measures for the protection of his property as against any material alteration of the plans?—Not so long as the works may be executed within 100 yards on each side, supposing it is undulating country.

8. Supposing it is very valuable property, does not it enable him to take measures for preventing their deviating 100 yards?—No, I think not from the schedule; that would be done by enabling him to inspect the plans, and to see what particular fields of his are traversed, but that can only be done, as I say, by his inspecting the plans. If he had just a little bit cut off to show what affects his property, that little bit of section cut off would tell him nothing whatever, according to my notion.

9. With regard to the deposit of the Bill, that is now done on the 23d of December; do you suggest any alteration in that?—That I propose shall be on the 10th of December, instead of the 23d. I may as well say that this creates some alarm among my brethren, because the Committee will observe that it cuts off some 10 days from their holiday. Then comes the deposit of the lists of assents and dissents; whether those lists are of any value to any human being is what I never have been able to find out. I have never been able to find out that an alphabetical list saying that Mr. Jones, or whoever else it may be, assents or dissents, is of the least value to anybody whatever.

10. Mr. *Massey*,] If a man dissents you are sure to hear of it?—That is pretty certain, I think.

11. *Chairman*.] Does not the list of assents and dissents guide the Committee very much?—It is always proved to a Committee. If a line is practically assented to, the first thing that the promoters do is to hang up upon the wall what is called a ribbon, showing in pink the assents, in white the neuters, and in black the dissents; and if that is absent, those honourable gentlemen who have been Chairmen of Committees know pretty well that questions are asked about it.

12. You

12. You would oblige the promoters to bring the lists of assents and dissents before the Committee?—Yes, certainly.

13. But not to be deposited at the period which the Standing Order now requires, the 31st of December?—No, certainly not; provided that the Committee have the proportion in length of the persons assenting or dissenting, the lists are never referred to.

14. Such a list might be of service at the second reading?—Those things are very seldom discussed upon the second reading; it is nothing but the great principle that is discussed on the second reading; the number of assents or dissents upon the line is never discussed.

15. Mr. *Adair.*] The Committees are ordered by the Standing Order particularly to consider the amount of support that a scheme receives in the neighbourhood, and one of the ways in which Committees inform themselves is by also looking at the assents, dissents, and neuters; at least, that is one of the sources from which they obtain their information?—Precisely so.

16. *Chairman.*] The deposit of money is now required to be made before the 15th of January; have you any suggestion to make with regard to that?—I have put down the 3d of January for that purpose; but I believe that the Accountant General's Office does not open much before the 7th, and I believe it opens usually upon the 7th. Whether the Accountant General would open his office a little earlier out of deference to Parliament is more than I can presume to say, but it seems to me that it might be done. It is now the 15th, and I would have it at the latest upon the 7th; I should prefer that it should be upon the 3d, but certainly not later than the 7th.

17. Why do you think it necessary that the deposit should take place so early?—It has to be proved before the examiner, and that is the pivot upon which most things turn.

18. Do you think it would be possible to get the deposit upon all Bills made upon the very day of the opening of the Accountant General's Office?—No; that is the only difficulty. It does not depend upon the Court at all; it depends solely upon the opening of the Accountant General's Office. It would be necessary that the Accountant General should open his office a little earlier.

19. Supposing that he will not do so, what then?—Then I am afraid you must make it the 10th.

20. What alteration do you propose with regard to the deposit of memorials?—The deposit of memorials now for the first 100 Bills must be made upon the 9th of January; I propose that it should be made upon the 1st of January. The Committee will observe that, practically, I have pushed everything 10 days back, or as near as may be 10 days back; in that case it would be eight days back; but if the deposit of money is only made upon the 10th, there must necessarily be cases in which we shall not be able to prove before the examiner that the deposit is made; that would of course only apply to as many cases as he has upon the first few days.

21. Supposing you made the deposit one day earlier, the 9th, would that cause any great confusion?—I think not.

22. With regard to the sittings of the examiner, what do you propose?—The sittings of the examiner commence now upon the 18th of January, and I propose, upon the same basis, if I may so say, that he shall sit first upon the 10th of January.

23. What is the custem of the Examiner's Office now: they sit on the 18th; do they then proceed to give notices to the parties?—They have already given seven days' notices to the parties.

24. Have they given seven days' notice of the 100 first cases before the 18th?—Yes.

25. Then, according to your proposal, we must oblige them to give notices eight days earlier?—Yes. I would observe that I think the examiners, out of consideration for the agents and for the purpose of facilitating the business, now give us adjournments rather more easily than need be, and I would make them (leaving it still to their discretion) a little more strict in prohibiting adjournments. I am, of course, assuming that the adjournments put everything out of gear. Supposing there are 10 or 15 cases upon their list, and three of the parties upon unopposed Bills ask that their Bills shall be adjourned for an

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indefinite number of days, perhaps a week or 10 days, in the absence of witnesses or something of that sort, that usually is now acceded to, and my own desire would be that they should be more strict in compelling parties to be ready upon the day when their Bill is down in the list. If we are to get through our work promptly it must be done regularly likewise. I would rather that there were fewer adjouurnments of cases by the examiners, but that must be a matter for their consideration.

26. The examiners, with a view to performing their duty, are obliged to terminate their holidays now upon the 10th of January, are they not?—Yes.

27. Have they to come up to give notices, or is that done by a clerk?—That may be done perfectly well by a clerk, it is mere mechanical labour.

28. Is it possible, do you think, to do away with the allowing of adjournments by the examiners; must it not always happen that cases will arise in which it is necessary?—I would recommend that adjournments should be allowed as rarely as possible.

29. Can you, from your own knowledge, state about what time the examiners take in a Session to get through the Standing Orders on an average?—I cannot answer exactly.

30. Does it go well into the Session?—I should say, ordinarily, that the examiners will have done their work, except in certain opposed cases, within three weeks from the commencement of the Session.

31. What are the hours of sitting of the examiners?—This Session they have been from 11 till 4, and sometimes till 5; that is as much as people can well do.

32. Do they sit invariably from day to day?—Yes, except Saturday; but if there is an opposed case, they go on with that opposed case on Saturday rather than send away the witnesses.

33. Lord *Robert Cecil.*] How long do the courts of law sit?—I do not know; I think it is from 10 till 4.

34. *Chairman.*] Have you any proposals to make with regard to the period at which opposing petitions should be received?—The petitions now must be presented within seven clear days after the second reading. That is founded, no doubt, upon the supposition that the Bill may not be read by the House a second time; but those cases are such rare exceptions that I do not think that they ought to be a guide, and I would rather that the petitions were presented within a certain number of days after the first reading. My proposal is that they should be presented within seven clear days after the first reading of the Bill.

35. That is the case in the House of Lords, I believe?—When a Bill commences in the House of Lords, it is seven clear days after the second reading; but in Bills commencing in the House of Commons, and taken up to the House of Lords, it is the fifth sitting-day after the first reading; there is that distinction.

36. Mr. *Adair.*] Is it read the first time as a matter of course, or is the first reading ever opposed in the House of Lords?—I never knew of a Private Bill being opposed on the first reading. The House of Lords does not sit on Wednesdays, and does not sit on Saturdays, and therefore the fifth sitting-day may be the eighth day.

37. *Chairman.*] In the case of Bills that come from the House of Lords to the House of Commons, what is the practice with regard to petitions?—It is still as it was; seven clear days after the second reading.

38. You propose that in all cases no petition should be received in opposition to a Bill later than seven days after the first reading of the Bill?—Yes, after the first reading of the Bill.

39. Mr. *Ayrton.*] What time would be gained by that?—A great deal of time may be gained by that.

40. *Chairman.*] You are perfectly clear upon that with regard to the practice of the House of Lords?—There is no doubt about it, I think. In Bills commencing in the House of Lords, the time for petitioning is seven days after the second reading; and in the case of Bills going up from the House of Commons into the House of Lords, it is the fifth sitting-day of the House after the Bill is brought up and read the first time.

41. Mr. *Adair.*] That is practically the seventh, usually?—Usually so; it is pretty

pretty nearly the eighth day. In the case of a Bill taken up and read the first time in the House of Lords on Monday, the time for petitioning against it would be the Thursday week following; because, when the House of Lords do sit on Wednesday, that is not counted in as a sitting-day, as it would be throwing the calculations of the parties out by an unexpected sitting when the parties do not anticipate it.

42. The Standing Order of the House is in these terms: "That with respect to Bills originating in this House, and not referred to the Judges, or approved by the Court of Chancery, no petition praying to be heard upon the merits against any Bill in either of the classes before-mentioned shall be received by this House, unless the same be presented on or before the seventh day on which the House shall sit after the day on which the Bill shall have been read a first time"?—The Lords make it the seventh day on which the House shall sit after the day on which the Bill shall have been read a first time.—(Mr. *Pritt.*) The deposit of a petition, as suggested now, within a given period after the first reading would facilitate the proceedings of the Committee of Selection. At present Bills are frequently obliged to be grouped when it is not known whether they will be opposed or unopposed Bills, because, the time for petitioning being seven days after the second reading, whether the Bill is opposed or unopposed is not known by the Committee of Selection; whereas, if it were known, many Bills which are grouped need not be so, but they might be sent to the Chairman of Ways and Means as unopposed Bills.

43. (To Mr. *Coates.*) Is that all that you have to do with regard to the stages of Bills on their introduction?—Yes; that is all.

44. You said that some of your brethren, the Parliamentary agents, disapprove of this plan of yours; what are the points which you find them disapprove of?—There is only one point, and perhaps Mr. Pritt, who does not approve of it, had better be examined upon that point.

45. With regard to your experience of proving the *locus standi* of parties who opposed Bills, do you think there would be any difficulty in obliging them to follow the same system as is adopted in the Standing Orders Committee, namely, that the opposing party should state his reasons for wishing to appear, and that those reasons should be submitted, in both cases, in writing?—I think that the statement, by a petitioner, of his right to be heard, ought to be divulged upon the face of his petition; I think that the petition itself ought to contain a statement of such facts as will give him a right to be heard. Then, I think that the promoters of the Bill might perfectly well state in writing their objections to his being heard as to his *locus standi*, and he might reply upon it; and it does not seem to me that there would be any inconvenience by that argument being taken upon written documents.

46. There have occasionally been very intricate cases, have there not, in which it is rather difficult to decide the question of *locus standi*?—Yes; undoubtedly.

47. In all cases, do you think it would be possible to put such arguments upon paper?—I think that when a question of that sort arises, the tribunal who has to decide upon the *locus standi* might perfectly well have the parties in and hear them.

48. As they do in the Standing Orders Committee?—Yes, they might hear them, either by their agents, or if they give notice, or if the Standing Orders Committee think it sufficiently important, they might be heard by their counsel.

49. What time would you allow parties to raise objections to petitions on *locus standi*?—Within 10 days, I think, after the deposit of the petition.

50. Would not that 10 days retard the consideration of a Bill by the Committee?—I have perpetually before me the suggestion of referees; if there are referees I do not think it would; if there are not referees it possibly might; and if that were the case, you might make it seven days; but according to the present rule, the petition would be presented within 10 days after the first reading of the Bill. Then the appointment of a Committee upon the Bill would certainly not be within 10 days after that; I take it, that the Committee of Selection and the General Committee of Railways and Canals could not within 20 days after the first reading of the Bill.

51. Supposing that we were to adopt some plan of that kind, namely, to allow

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parties to oppose Bills so many days after the First Reading, would it not be necessary to give the public some greater facility of getting at the Bills than they have at the present moment?—But they have perfect facility now.

52. Will you describe the facility that any member of the public has of getting a Private Bill, always supposing that the Parliamentary agents only do what they are compelled to do by the rules of the House?—The Honourable Chairman supposes that which does not exist; the Parliamentary agent now always gives a copy of the Bill (I believe the practice is perfectly uniform) to anybody who has even a pretext for asking for it.

53. Is that merely as a matter of custom, or is it by an order or rule of Parliament?—By no order or rule of Parliament, but by the constant and invariable practice of Parliamentary agents; and sometimes it is a little onerous to the promoters of a Bill. There are Bills of great bulk, which are costly to print, and in those cases there is some little restriction put in the way of obtaining them. An agent cannot have 10 of those Bills as a matter of course; he would have two or three given him, and be charged for the remainder; but anybody who has any pretext for asking for a Bill has a copy of the Bill given to him.

54. Do not you think that if we were to abridge the time at which the public are to be allowed to petition against Bills, we should secure to the public some certain mode of obtaining a sight of the Bills in which they are interested?—I think that they have a certain mode now, it might be prescribed if the Committee should think fit; but practically all these things go through the hands of agents. A man who desires to oppose a Bill goes to a solicitor, and his solicitor goes to his Parliamentary agent, and his Parliamentary agent gets the Bill and does what is needful; and no Parliamentary agent has ever been refused a copy of a Bill, that I know of, nor anybody else indeed. Many persons, as we have reason to believe, apply for Bills who have no need whatever of them, and dispose of them for the weight of the paper.

55. Are applications by the public to Parliamentary agents for permission to see Bills very great at the present moment?—Not only to see them, but to have copies given to them.

56. How soon, according to the present practice, do you issue Bills to the public generally?—A Bill must be deposited upon the 23d of December now, and upon the 24th of December our offices are filled with persons who come for Bills; that is to say, clerks of mine go to Mr. Pritts's, and his clerks come to me, and we print, I suppose, 250 copies of a Bill in the first instance, and then disperse them.

57. And any person, whatever his rank in life, who applies at your office, can have copy of that Bill?—Yes; if a perfect stranger comes for a Bill, we ask him what he wants of it, and if he says that he comes either for a landowner, or he is interested in this or that, we are not very nice or scrupulous, we give him a copy of the Bill; if a man of a very suspicious appearance calls for it, we should perhaps ask more questions of him.

58. When a Bill, according to the present practice, has been once printed by Parliament, have the public a right to a copy?—The public has a practical right to a copy; besides which, we are compelled by the Standing Orders to deposit a certain number of copies with the Private Bill Office.

59. Have you any further suggestions to make as to the plan which I believe you have seen for appointing Referees?—No, I have not. I may say that the Parliamentary Agents have met upon the subject, and have felt it their duty to do whatever they could towards facilitating the experiment, and the method which I have pointed out has been with a view to that facility.

60. One of the facts to be inquired into by the Referees in the case of Bills for authorizing a new line of Railway is the nature and the amount of the traffic to be accommodated. Do you from your great experience think that it is possible to ascertain those facts without involving the merits of the Bill?—I do not indeed. Honourable Members who are conversant with the private business 15 years ago, will perfectly well recollect that there used to be traffic takers, and they produced tables, and the tables very often astonished all the persons in the neighbourhood by the quantity of traffic which they proved; they were perfectly unsatisfactory, and they were at last disposed of. The method now of proving traffic is for persons living in the neighbourhood, or at the towns which are likely to be concerned in the Bill, coming and saying we want

want a Railway for such and such particular purposes; that is the way in which traffic is now proved, and I think it is the only satisfactory method of proving traffic. I think that tables of traffic are very properly now set aside; they were not satisfactory at all.

61. Mr. *Scourfield.*] Were there not cases of persons being employed to personate a traffic, as it were?—The way was to put a man on a bridge, or some access to a town where he counted the number of carts, and the number of persons, and the number of carriages which he marked out into tables; but it was found upon the whole that those tables were not quite trustworthy.

62. Was it not further insinuated that not only were persons employed to watch the traffic, but arrangements were made to make traffic?—That is not within my experience.

63. Lord *Robert Cecil.*] Do you think that evidence presented by the parties themselves is a more satisfactory way of ascertaining traffic?—Yes, I think it is; usually it is some manufacturer who is well known, or somebody in the neighbourhood whose testimony would have weight before a Committee; and, perhaps, he produces an account of what he takes away from his manufactory, or what he brings into his manufactory, and he takes the case of other manufacturers, and so on, in many instances; and then he is subject to cross-examination, and I think that that testimony is usually to be relied upon; his neighbours, at all events, know pretty well whether he is telling the truth or not.

64. Mr. *Scourfield.*] The gist of my question was this: do you think that the question of traffic is one which cannot be safely assumed without much cross-examination?—I am afraid that that opens up this other question, of competing lines; I imagine two lines, having the same ultimate object, but going through different lines of country; then, no doubt, the essential ingredient in the determination is how much traffic the one accommodates in comparison with the other, how many villages it goes through, what many manufactories one omits and the other serves, and so on; that trenches so closely upon the merits of the Bill that it certainly becomes difficult to divide that inquiry from the inquiry upon the Preamble of the Bill.

65. Mr. *Milner Gibson.*] Sometimes a new line may bring into existence traffic which does not exist?—Yes, undoubtedly; all suburban lines have had that effect; I do not mean suburban only with respect to the Metropolis, but with respect to all the great cities in England.

66. *Chairman.*] What, in your opinion, on the average occupies the greatest portion of the time of a Committee on Railway Bills; what branch of the inquiry?—I am afraid I cannot give an answer to that at all, definitely; sometimes the objection to a project arises solely from its engineering evil qualities; sometimes it arises from its not accommodating a district which it ought to accommodate, and going into a barren country; and sometimes it arises from this, which is, to a certain extent, a scientific question; for instance, in the case of a coal line, whether it is best to go through the coal field at one level, or at another level, and therefore each Bill has its particular ground of inquiry; and according to my experience, you can scarcely measure which particular kind of objection occupies the more time.

67. Mr. *Milner Gibson.*] Does not the objection that the new line may draw traffic from an existing line generally lead to a long opposition?—No doubt it does; and there comes the question of competition.

68. Mr. *Ayrton.*] Would not an inquiry into the engineering character of the undertaking, the efficiency of the works for the proposed object, the sufficiency of the estimate for executing the same, and the nature and amount of the traffic proposed to be accommodated, embrace every subject referred to a Select Committee on Railway Bills, except *locus standi*?—No, it omits the very subject which the Honourable Member has just referred to, it omits competition, I think.

69. Is not competition a part of the nature of the traffic proposed to be accommodated?—It goes very near it.

70. If competition is taking away traffic from some other railway, is not that part of the traffic proposed to be accommodated?—I suppose it would be so.

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71. Can you conceive of anything that is not included within this reference, excepting *locus standi*?—I understand by engineering merits, the very matter which I have just mentioned.

72. Of course, the fitness of one line, as compared with any other line, would involve the engineering merits of the line?—The word used is "efficiency;" efficiency may be positive and not comparative, "fitness" would probably be comparative. The sufficiency of the estimate is likewise positive. I do not think that much would be left to the Committee on the Bill.

73. Lord *Robert Cecil.*] There would always remain, would there not, the policy of admitting or excluding competition, apart from the question as to whether competition would or would not be created by the proposed works?—Yes, that, no doubt, would remain for the Committee upon the Bill.

74. Mr. *Milner Gibson.*] Are not the contests upon those various points indirect modes of fighting the competition question?—No doubt; a company which is afraid of competition raises an objection upon those points.

75. Lord *Robert Cecil.*] Which points have nothing whatever to do with competition?—Which have nothing at all to do with the question of competition.

76. Do not you think that the issue had better be taken directly than indirectly?—Yes, that is a general proposition which all would assent to.

77. Mr. *Ayrton.*] Do you think that a Committee could judge of the policy of competition without understanding what the competition was in all its details, and, therefore, inquiring into the traffic to be accommodated?—I think this possible; I think that if you had such a tribunal as the Committee could rely upon with regard to their discretion, their impartiality, their patience, and all those qualities which you expect from a judicial tribunal, they might make such a report as would enable the Committee to determine that which the Noble Lord mentioned as a separate question, and that they might reserve for the Committee the naked question of competition.

78. Then, would the Referees make a report to the Committee?—I think that a body might be constituted which would make such a report. But then there will, of course, remain the question whether such a tribunal would be better than the existing tribunal.

79. Would you have them make a Report of all the circumstances in detail, and the nature of the traffic, in order that upon the state of facts, so presented, the Committee should decide upon the policy of the scheme?—I think it possible that they should make such a Report as would enable the Committee to determine whether it would be fit that competition should in such a case be established or not.

80. So as to exclude all further evidence upon the question of traffic?—I think it possible.

81. Mr. *Massey.*] Traffic is a mixed question of fact and of opinion, is it not?—No doubt.

82. And the facts could be ascertained, for instance, with regard to mineral traffic, whether there is a demand for railway accommodation for the conveyance of minerals; whether there is a demand for a railway for passengers; whether there is a want of accommodation between two points which the Promoters of the Bill propose to supply; these are facts which could be stated, could they not, with sufficient perspicuity upon paper?—I think they might.

83. And if the Referees found any Company in possession of an existing line, and thought that the facts so stated were admitted, or were the truth, and that Company came before the Committee and said, "If the line is laid out for the purpose of accommodating this traffic, it will detract from our profits and withdraw traffic from our line," that would be a matter of argument before the Committee, and the Committee would be furnished with the materials to pronounce an opinion as to the sufficiency of the opposition offered to the Bill by the facts found by the Referees?—I think that possible; but then there comes the more difficult matter, where two existing Companies propose what are called competing lines. In such a case, the things to be determined by the Referees seem to me very difficult to define; where, for instance (and the presence of an Honourable Member makes me mention that instance), two great Companies proposed lines from Blackburn to the south-westward, I do not exactly know what the Referees would have to report

report in that case. Something depended on the property which was interfered with by the one line and not by the other, and something depended upon the fitness of going through one valley instead of the other valley, two separate valleys being taken by the two competing lines. If the referees had to give an opinion concerning what is here called the fitness of the lines, then I think they would supersede the functions of the Committee upon the Bill; yet I do not exactly see how they could have reported the facts, or, in other words, it would have required very great caution and discretion in reporting the facts for them not to have expressed some sort of preference for the one or the other line.

84. Do you see any objection to their expressing an opinion and leaving it to the Committee to determine whether they shall adopt that opinion, and if they do not adopt it, the Committee stating their reasons for their dissent?—That would alter the whole plan.

85. You see the object of my question; it is whether sufficient power might not be conferred upon this body of referees, so as practically to supersede the necessity of a Committee at all?—I can foresee that that might be the result; that is to say, having another sort of tribunal to do the same thing which the Committee upon the Bill do.

86. Do you not think that this Board of Referees, in the process of their inquiry, must naturally have suggested to them an opinion, and would there be any harm in their expressing that opinion to Parliament, providing that the facts which they found should be indisputable, but that the opinions, or the recommendations which they suggest as growing out of the facts so found, should be adopted by the Committee if they thought fit, and if they did not think fit to adopt them, they should state their reasons why?—May I inquire whether the Honourable Member is asking as to the possibility of such a process, or as to its expediency?

87. As to its expediency; of course it would be possible?—I think it would be inexpedient.

88. Mr. *Milner Gibson.*] Do you think it could be possible to define certain facts common to a class, for instance, of Private Bills, which should be found by this Board of Referees, and which finding should be finally binding upon the Committee?—That is what I have contemplated, and that I think possible. The difficulty of the other process would be this: that instead of having one set of referees, you must have four or five such bodies sitting simultaneously. And assuming that which hitherto has prevailed, not for the two last Sessions, when there has been a glut of Bills, but that we should return to a more sober state of things, and that there are, say perhaps 300 Private Bills, of those 300 Private Bills, perhaps two-thirds will be contested; assuming that every one of those contested Bills took only a day, and that is even an obviously inadequate assumption, then the referees must be sitting 200 days for those 200 Bills; but if besides ascertaining the facts and not judging of the merits, they are to judge of the merits and the expediency, a day for each Bill would manifestly be a very insufficient time. And I think, therefore, that an inquiry such as has been suggested, would be fatal to the whole scheme. You would supersede absolutely all the Committees of the House.

89. Mr. *Ayrton.*] You have stated that there are certain classes of facts which you think could be inquired into; will you be kind enough to state what, in your view, those classes of facts are?—I think the Right Hon. Member said, facts common to certain classes of Bills. I think that the sufficiency of the Estimate is a matter of fact which might be judged of, let me call it out of Court, by referees. I think, likewise, that they might take evidence positively of the quantity of traffic, measuring that quantity of traffic in the way that I have mentioned, not by tables, but by witnesses, who will come and say that they will use the line in this or that way. And, in like manner, a certain number of engineering facts, I think they could ascertain. They could ascertain whether there were any peculiar engineering difficultles in the line, not merely the question of gradients, because that requires no separate tribunal; that may be disposed of by the Committee upon the Bill in a very few minutes. I do not know whether any Honourable Member now present had the case before him, but there was a case this year in which a line rose to a very high level and then went through cartain reservoirs. That would be a fact to report; they

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need not report whether they thought it a good or an evil quality, but it would be a fact to report. These are specimens of cases.

90. Is that all that occurs to you?—I have hitherto been dealing with Railway Bills. I will now go to Waterworks Bills. I think that the referees might perfectly well report upon the proposed source of supply; the quantity of the water; the sufficiency of the supply for the wants of the district; the provisions as to reservoirs in this sense—not whether those reservoirs were sufficient for the pupose of the millowners, who are the usual opponents to Waterworks Bills, but as to the security of the reservoirs and the quantity of water which it was proposed to store in the reservoirs. But I would exclude from the consideration of the referees those questions which millowners always raise upon Waterworks Bills, whether they would be adequately supplied by the provisions which were made in the Bill.

91. Lord *Robert Cecil.*] You would also admit, would you not, all those questions as applying to the existing source of supply, just as much as the proposed source of supply?—No doubt.

92. Mr. *Ayrton.*] I observe that you have not proposed, when they have come at the facts, to give the referees power of deciding finally. Have you sufficient experience of judicial inquiries to know whether, when an inquiry is conducted by one tribunal with a view to another deciding it, the tendency is to enlarge very much the expense of the inquiry before the first tribunal?—I am afraid that that would be the result of this scheme. I suppose that I shall be believed when I say that my object, and the object of all of us, has been to see how we can make this scheme efficient, knowing well how important it is to relieve the House of the labour which it has had during the last two Sessions. But we cannot deny that it must of necessity increase the expense, and probably it would increase the delay.

93. I observe that you have carefully avoided adopting the idea of those referees, and you have always said that a tribunal might be constituted which would give confidence; what is your idea of such a tribunal?—I will not suggest any tribunal, unless I am compelled to do so; I would rather not suggest it; I am perfectly content with the present tribunal.

94. That is to say, you mean the tribunal of the Committees of the House?—The tribunal of the Committees of the House I am perfectly satisfied with; I believe the improvement to be made in those Committees is to diminish their number, and that is all.

95. Have you designedly intended to exclude from your own mind the adoption of this particular scheme of referees?—I have done so; my own notion is, for instance, that an engineer would be of no avail at all to the referees, but he would be an incumbrance to them rather than otherwise. You have to consider what class of engineers should be selected; if a military engineer were chosen, he would be looked upon with distrust by civil engineers; and if a civil engineer were chosen, you cannot get the most eminent men, because they would be more profitably occupied in the pursuit of their own profession.

96. The tendency would be to make inferior technical men sit in judgment upon their superiors?—I think so.

97. Because men of the greatest ability and genius would be sure to be employed by companies promoting Bills?—Yes; and they would be getting a larger amount of income from other sources.

98. They would be employed either in promoting or opposing?—No doubt.

99. Therefore, the parties who were placed in judgment would be people whom the great railway companies would not think fit to employ for their own purposes; and therefore the referees would get an inferior class of engineers?—That is my opinion.

100. (*Chairman.*] Do you think that the great civil engineers of the present day would prefer to have their plans judged of by five Members of Parliament rather than by four Members of Parliament aided by some engineer, even though he was not quite of the highest class?—Beyond all doubt; I have not the least question whatever of it.

101. Lord *Robert Cecil.*] You mean that they would prefer the most ignorant tribunal?—That, my Lord, is an inference which I beg leave, with all possible respect, to deny.

102. Mr. *Ayrton.*] They would hope to be able to make their views understood by any person of ordinary intelligence, and capable of forming a judgment upon facts?—The results at which Committees arrive are inferences which they derive from the evidence which is brought before them; it is not necessary for that evidence to be judged of by a professional person, the evidence can be judged of by any person who is accustomed to weigh evidence. Just as a judge or jury can judge of facts in which chemistry or other scientific questions are involved, according to the evidence which is brought before them, so the Committees of the House of Commons or the House of Lords must judge according to the evidence which is brought before them.

103. *Chairman.*] Were you engaged at all in the Chester, Dublin, and Holyhead Railway?—No, I was not.

104. Are you aware of the fact, that that Committee sat for nine days to judge of the fitness of the tubular bridge over the Menai Straits, for the work which it would have to perform, and that at the end of that nine days' investigation the Chairman was directed by the Committee to apply to the Government for the assistance of an engineer to assist them in coming to a decision upon it?—The Honourable Chairman will forgive me for saying that I believe that those nine days were wisely and properly occupied, and that the decision at which the Committee came was a wise and proper decision. It was such a work absolutely unprecedented. The first thing which the Committee had to do, and which the Legislature had to do, was to determine whether such a thoroughfare as that should be impeded or not impeded by columns. I call it a thoroughfare, because that is the fitting word after all. It was a great national question, then, whether it should be spanned by a great bridge; that was the question for the Legislature to determine, but not for the House of Commons; not by the whole body, but by a Committee. They did their best to ascertain the facts; they could not ascertain the facts; and therefore having discovered, what was an important fact, that they could not ascertain the facts, they resorted to some other means.

105. May not that arise in any Railway Bill which comes before the House of Commons?—You have only to span the Menai Straits once. I do not think that many such cases are likely to arise.

106. Perhaps not of the same magnitude, but certainly a question of engineering may come before a Committee when it would be of great importance to them to have some little engineering knowledge in their body to decide it?—Then let the engineer be called as a witness; let the Committee do what I have seen done, and probably the Honourable Chairman will recollect. I recollect perfectly well upon two occasions Mr. Locke being called out of the gallery, for I had to do it, and he said, "Who is to pay me," but Mr. Locke was called out of the gallery by the Committee to give impartial testimony concerning a fact which was contested between Mr. Robert Stephenson and Mr. Brunell.

107. Mr. *Ingham.*] Do not you think that there might be some advantage from having always the assistance of an expert or an engineer in the same way as the Judge of the Admiralty Court is always attended by the Masters of the Trinity House if there is any question of nice inquiry as to the conduct of that vocation?—That depends upon the men whom you can have. Supposing you could have men like Mr. Robert Stephenson, who had relinquished his profession, who was avowedly at the head of it, and who was a man of the very nicest probity, and very little warped by temper, to advise you, but unless you could have such a man as that, I hold it to be dangerous.

108. Imagining, as I have, the masters of the Trinity House, subject to the average infirmities of men, still that plan has worked for a very long period, has it not, most satisfactorily in the settling of those questions to which I have referred; because although judicial questions are for the Admiralty Judge to decide, yet he always takes the opinion of the Trinity Masters as his own?—But I would ask the Honourable Member whether those Masters of the Trinity House are not *emeriti*?

109. Yes: but supposing you had a person who was not a civil engineer by profession, but some man of eminence in artillery, either in naval artillery or in the land service, a person of great skill and high character; would not such a person be of great assistance?—I think that possible; but then he must be conversant with the details of railways; he must know what difficulties have been

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been overcome, and how they have been overcome, and how things which were deemed impossible some years ago have been effected; I have great doubt about experts.

110. Mr. *Ingham.*] How would this plan work: in case it shall appear desirable to such Committee to have the attendance of a referee during the examination of any witness, it shall be competent to such Committee to adjourn the examination, and to apply to the Chairman of Ways and Means to allow the attendance of such referee, in case he shall think it expedient having regard to the other duties of the referee, and if such referee shall attend, it shall be lawful for him, after the examination and cross-examination by counsel are concluded, to put, through the Chairman of the Committee, any further question for elucidation of the subject, and after such questions shall have been put the examining counsel to re-examine?—That may be of some avail; but I doubt whether you do not get the facts out better from the interested parties bringing all the adverse evidence that they can, and cross-examining the witnesses either for or against the Bill.

111. *Chairman.*] Do you think that the facts would be as well ascertained if there was a joint investigation before the referees and the Committee, as they would if a separate department were assigned to each party?—Then I should deem the referee superfluous. The difficulty, no doubt, in the referee's ascertaining the facts is that of dividing the facts from the inferences; and it is scarcely possible to do that. If this body is to be tried, then I would respectfully suggest that there should be no professional man associated with them, and that they should be left to their ignorance, as the Noble Lord said.

112. Mr. *Ayrton.*] Have you had enough experience of the Court of Chancery to know that that plan was proposed in the Court of Chancery, and that it led to enormous expense and delay of business?—Yes, I am aware of that.

113. Mr. *Adair.*] You have referred to the Blackburn case, that was a case which I heard; in that case a court of reference might in the first place have ascertained the sufficiency of the estimate for the works proposed, the quantity of existing traffic, and the sources of future traffic; they might have ascertained the areas in the valleys which were capable of occupation for manufacturing purposes; they might have ascertained the quantity of water-power with which each valley would have supplied manufacturies if so established; they might have ascertained the manner in which the property of the landowners was affected, and the manner in which the property of the petitioning landowner was specially affected; and they might also have ascertained the engineering facts of the two lines; and they might have laid all those details before the Committee, might they not?—Pardon me, I admit all excepting that which I think the Honourable Member will forgive me for saying is a somewhat vague phrase, "the engineering facts;" I do not know what "engineering facts" means, if the Honourable Member will forgive me for putting it bluntly in that way.

114. By "engineering facts," I mean the engineering character of the undertaking?—The engineering character of the undertaking was the very matter at issue to a great extent upon those two Bills. The engineering character of the undertaking is an inference drawn from the evidence; if they said that one line will traverse a valley, and will have certain ascents and certain descents, and will avoid this property, and will go near to that, that I can quite understand; those are positive facts which they might report, and which as a matter of evidence I should say they might undoubtedly report; but if they go beyond that, then they get into inferences, and they get into a report upon the comparative merits of the two lines.

115. They need not necessarily do so, need they?—It would be very difficult to avoid it, I think; I think they need not necessarily do so; I think that with very careful consideration they might avoid doing so.

116. Mr. *Lowe.*] You stated that you thought that the Accountant General would probably not open his office before the 10th of January?—I said that, in fact, he does open, I believe, upon the 7th of January.

117. You would like the office to be opened on the 3d?—Yes.

118. You think it would be a great convenience if it was opened on the 3d?—Yes; for these purposes.

119. Supposing

119. Supposing we could not prevail upon this gentleman to open his office upon the 3d, can you suggest any other way in which the money could be paid in temporarily, so as to be paid over to him when his office was opened; could it not be paid to somebody's account in the Bank of England?—I suppose the cashier in the Bank of England would be always ready to receive it.

120. In trust, to pay it over to the Accountant General when his office was opened?—That might be done.

121. Do you see any objection to that?—None whatever.

122. With regard to the discretion of the Examiners; how do you propose to make the Examiners exercise their discretion in giving adjournments?—If this Committee is about to report the mere statement that it is expedient to limit adjournments, I venture to think that that would be quite sufficient.

123. Do you think that there would be anything gained by limiting the number of days to which they might adjourn?—No; you must leave that to their discretion. There may be a witness who is abroad, who is essential to the case.

124. Or do you think there would be anything gained by limiting the period during which they must get through their work?—That depends upon the number of opposed Bills on Standing Orders, which you cannot limit.

125. Could not you limit the number of days with reference to the number of Bills?—You cannot do that; for instance, in the case of the Brighton line, two years ago, it took, I think, 12 days on Standing Order questions.

126. Could we require them to sit longer. Could we ask them to sit from 10 till five, instead of from 11 to four?—I think that would conclude the life of the agents, who must attend them.

127. You think it would be too hard upon the agents?—Yes; we have got a good deal to do in our own offices, in order to prepare for the Examiners.

128. You do not see how it can be done?—I do not see how it can be done.

129. Mr. *Ayrton.*] When is the first day on which you think it desirable, after the meeting of Parliament, that there should be a supply of Bills, with all preliminary arrangements gone through, in order to enable the Committees to be struck?—The difficulty in striking Committees is, as the Honorable Member in the chair knows, the grouping of the Bills; there are always Bills enough for Committees to sit upon, but there are certain Bills dependant upon the coming up of other Bills, and the grouping of the Bills is the great difficulty which has to be encountered.

130. According to your view all the Bills ought to be ready to be proceeded upon by Committees at an early day in the Session, so that the Committee should meet as early as possible?—Yes.

131. What day ought that to be?—That I can scarcely define, I cannot tell what day it would be. All that I have done is to put the proceedings 10 days back; that is all that I can say.

132. Would you say within a fortnight after the meeting of the House?—It depends first of all upon whether the Bill is opposed upon Standing Orders; and whereabouts the Bill is in the list; and how long the inquiry before the Examiner lasts. It may happen that Bill No. 3 upon the list may be postponed till Bill No. 250 has been heard by the Examiner and reported upon, and the Standing Orders Committee have determined whether the Standing Orders should be dispensed with or not.

133. Could not the Examiner arrange the Bills in a manner in which they could ultimately be arranged for grouping?—I have thought of that. The Bills are grouped now according to the Reports by the Board of Trade. They do it very skilfully, and I think that possibly, the Board of Trade might report before the meeting of the House, and then that the order of hearing of the Bills before the Examiner should be in the order of the grouping.

134. You would desire to have a supply of Bills ready for Committee within a definite period after the House met?—That is always our desire to have the Bills put as forward as possible.

135. If the first supply were ready, then, it would be of less moment when the second supply should be ready?—Undoubtedly.

136. You would have the preliminary proceedings so arranged that the first supply could be ready after the first fortnight?—That no doubt would be desirable.

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desirable. According to the present system, just as The House is pressed by the numbers of Committees sitting at the same time, so counsel are pressed, and so agents are pressed, and if the Bills could be dispersed better over the Session, it would be very advantageous, both to the suitors, and to the practitioners.

137. Then the inconvenience seems, in a great measure, to arise from the present system of the Standing Orders Committee proceeding according to consecutive numbers?—Yes, which is an arbitrary arrangement, or an accidental arrangement.

138. If that alteration were made, you think the grouping then could take place by the Examiner, and that a group of Bills could then be prepared, to be proceeded with as soon as it was desirable?—I think so.

139. *Chairman.*] From your experience, do you think that the grouping of Bills is as necessary as at one time it appeared to The House to be?—It is of great importance. The Noble Lord the Member for King's Lynn sat on the case of the Metropolitan Bills, and the delay arising from their being heard before that Committee has been a source of continual anxiety, no doubt, to the promoters of the Bills; but the advantage of having all the facts coming before that Committee has really counterbalanced the evil of the delay.

140. Mr. *Adair.*] Would the alteration of these different periods, in the earlier stages, throw any further amount of labour on the Board of Trade, in preparing their Reports on Railway Bills?—No; because the Honourable Members will see that I have put the deposit of the Bills ten days earlier.

141. Mr. *Milner Gibson.*] That would shorten their vacation, would it not?—That is a cruelty which is common to all persons concerned, the Examiners, the Board of Trade, and all that class of persons who must be dealt with, I suppose, collectively.

142. With regard to the facts at the present time, no powers of purchase or amalgamation are given to a Railway Company, unless certain facts have been proved to the Board of Trade?—Yes.

143. Could not the number of facts of a similar kind be increased, and could it not be arranged that no Committee should grant the powers asked until certain facts previously defined had been proved before the referees; do not you think that they could draw up some simple facts somewhat analagous to those?—Does the Right Honourable Member mean facts applicable to amalgamation.

144. Applicable to all classes of Bills; for instance, the Standing Order says that no powers for purchase, amalgamation, &c., shall be granted by any Committee until certain facts therein defined have been proved to the satisfaction of the Board of Trade; so you might say, might you not, that no powers asked by any parties for making a Railway should be granted until certain facts had been proved before this Board of Referees?—No doubt you might.

145. The difficulty would be, would it not, to define such facts as would materially save trouble to the Select Committee on the Bill?—Yes.

146. Do not you think you could put down distinctly those facts which you think might be proved before this Board of Referees as a condition upon which the Committee should entertain the proposal for the powers asked?—I am afraid that what I should have to put down would be just those facts which took the least time to investigate. These facts, which are essential ingredients in the passing of every Bill, occupy the Committee upon the Bill a very short time indeed to investigate; it is the contested facts which occupy time.

147. Then you think there would be no material saving of the time and labour of the Committee, if the Board of Referees only had to deal with facts such as you have referred to?—I think there would be very little saving.

148. And those are the only facts which you think this Board of Referees could be entrusted to find finally for the Committee?—I think so.

149. Lord *Robert Cecil.*] Were you concerned on the Ashton Water Works Bill of this year?—I was not.

150. Mr. *Hassard.*] Do you recollect the state of the facts in the investigation into the Dublin Water Works Bill of last year?—No; I was not concerned in that case either.

151. You know something, do you not, of the Bill this year, of the Great Eastern Northern Junction?—I know it intimately well.

152. Do you happen to know what number of days the investigation into the facts

facts of the traffic, took?—By traffic I suppose the Honourable Member means the quantity of coals, for instance, to be carried.

153. That is one of the items, that was the existing traffic; but I think there was also an investigation, was there not, as to the local traffic?—Yes, there was, but I cannot tell you how many days it took; it can very easily be ascertained.

154. Did it run over a considerable number of days?—Yes, it did.

155. Do you not think that these facts in relation to that traffic could have been ascertained and tabulated by a tribunal outside the Committee?—It was alleged on the one side that a certain quantity of traffic would be conveyed upon the proposed railway; and it was denied on the other hand, that it would be so conveyed. If the referees reported the facts as I have now stated them, namely, that the promoters declared that so much traffic would be conveyed, and that the opponents denied it, that would be very valuable to the Committee; and no doubt those things might be reported to the Committee.

156. One of those facts was the actual quantity of coal carried over the Great Northern Railway at this moment into London, was it not?—That only took one question and answer.

157. That could have been ascertained, could it not, by such a tribunal?—Yes, certainly.

158. Had you anything to do with the Eastern Counties Amalgamation Bill of 1862?—A great deal.

159. There was a great deal of investigation there, was there not, with regard to the traffic as between various towns of their system, coal, fish, corn, and other traffic?—Yes.

160. Could not these facts have been ascertained, and tabulated also?—I think not; but, must answer the Honourable Member's question a little circuitously. I do not think that the Committee would ever have come to the decision to which it did come, and which you will permit me to say, seemed to me a wise and proper conclusion for all parties concerned; if they had not heard all the facts with their own ears. If you remember, much of that investigation depended upon disputed accounts.

161. That was one branch, but I recollect that the inquiry on that Amalgamation Bill, was the traffic between the various towns which were situated upon the lines. The investigation was perhaps more with regard to the toll clause, was it not?—Yes.

162. Could not the traffic investigation which was gone into for the purpose of ascertaining the toll clause, have been held outside the Committee-room?—I think it might.

163. You have spoken about the grouping of Bills; practically, is not the final grouping of Bills done by the General Committee?—Yes it is.

164. And performed in the presence of the agents, and with the assistance and for the convenience of the agents concerned in the Bills?—Yes; usually there is a scheme printed, and that is circulated among the agents; then the agents meet and make their suggestions upon this scheme; but all that might be done either before the referees or before the examiners, I think.

165. In the very early stage in which Bills come before the Board of Trade, do you think it would be possible to make a grouping which would be satisfactory to the parties?—In point of fact, they do group the Bills, in fact there is very little deviation from the groups which the Board of Trade report upon in their General Report; there is a deviation, but it is very slight.

166. Bills are removed from one group to another very much, and also their places in the groups are altered very much, because competing Bills are often obliged to be heard together?—There is no doubt of that. But that does not alter the group which consists perhaps of 12 or 14 Bills.

167. If I recollect rightly there are many Bills transferred from one group to another?—I should not think that there is any very great change from the original scheme. Every now and then two groups are united, and sometimes a group is divided; sometimes Bills are taken from one group and put into another, but I do not think that is very often done.

168. Mr. *Ayrton*.] Do you think that there would be much disposition on the part of persons engaged in contentions in Parliament to appeal to The House of Lords against the decision of a referee which was final in The House of Commons, unless The Lords agreed to accept that decision also as final, and to re-open the matter in The House of Lords, if they have been concluded in the

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The Commons?—Of course, if the report of the referees goes into opinions, and inferences, and is not confined to bare facts, then no doubt all the parties affected by an unfavourable opinion would exercise all the ingenuity in their power to upset that opinion in the shape of an appeal either to a Committee of The House of Commons, or to a Committee of The House of Lords.

169. Of they were denied any appeal in The House of Commons would that have a tendency to increase the system of re-opening the matter in The House of Lords, do you think?—I think so. I do not think that the great bodies who are concerned in those inquiries would ever satisfy themselves with the conclusions drawn by such a tribunal as the referees here proposed; I think that the referees might facilitate the inquiries of the Committees; but if once the referees got beyond their scope and pronounced opinions concerning the Bills, that would be unsatisfactory to the great interests which are involved in those Bills.

170. If The House itself had the power of re-opening the matter against the opinion of the referees, would that lead to great canvassing of The House on the part of influential persons?—Yes, I have had that in view. At present, we practitioners all know that the most difficult of all things is to overturn in The House the decision of a Committee of The House. We know perfectly well that The House supports its Committees almost always; but it would be a totally different thing with respect to referees; supposing the referees determined against a Bill, it is quite clear that these great bodies would appeal, almost always, to The House, and would find some means of giving a pretext for their appeal.

171. *Chairman.*] Do not you think that if the inquiries of the referees were confined to ascertaining the facts, it would have a contrary tendency in The House?—I think so. I hope I have, in the whole of my evidence, guarded myself in that way, distinguishing between the facts and the inferences from those facts.

172. Lord *Robert Cecil.*] With regard to an appeal, I suppose that the great bodies of which you speak would always appeal where they thought there was a chance of getting a decision against them upset?—Undoubtedly.

173. Would they not do so equally whether it was one tribunal or another?—I think not equally.

174. Do you think that they would not appeal to The House of Lords if they could get a decision in their favour?—I am speaking of an appeal from a Committee to the body of The House.

175. Mr. *Ayrton.*] My last question had reference to what you observe at the bottom page of this scheme, which directs that no further evidence shall be taken by the Committee upon any of the matters reported upon by the Referees, unless The House should otherwise order. You think that in such a case those great Companies would appeal against an adverse decision?—No doubt those great bodies always do go to The House of Lords against an adverse decision of The House of Commons, and get a second hearing.

176. *Chairman.*] (To Mr. *Pritt.*) You have heard Mr. Coates examined with regard to the proposed alterations in the Standing Orders of The House, and you have heard him examined upon the plan for altering the period of notices and other proceedings; will you give the Committee your opinion upon those alterations?—I quite approve of altering the publication of notices from three to two weeks; I believe that the public generally, and those who are interested in Bills, will get as much information from two notices as they do now from three, which is an expense to the Promoters, and occupies of course a longer time in the preliminary inquiries; for instance, supposing the case of a landowner, he gets his notice not from the newspaper of the county in which he resides, but from the notice which is served upon him; and if there be competing companies, or neighbouring companies, they are sufficiently wide awake to know what is going on; and as a general rule they take in the "London Gazette," in which every notice of every Bill for which application is made to Parliament is inserted; and, therefore, I think that with propriety we might diminish the early time for proceeding by giving two weeks' notice in the newspapers instead of three. With regard to the last day for the publication of notice, inasmuch as in the subsequent stages not so much as 15 days is proposed to be saved, I think that the last publication of the notice might very properly

properly be postponed until the 20th or 23d of November, instead of the 15th; that would have this practical result, that instead of hurrying the engineers and others in the preparation of their plans in order to get them ready at an earlier period than they now do, if you have two notices only, the first of which should be published, as the first notice is now published, and about the same time, then those preliminary proceedings would take place, as they do at the present time; whereas, if you make the last day of publication that earlier period (the second day of publication as it now is) you are necessarily hurrying the preliminary proceedings which are necessary prior to the publication of the notice. I would propose, therefore, to strike off a week at the end of November instead of striking off the 15 days which Mr. Coates proposes to strike off. With regard to the other period, if it is thought desirable that the time should be anticipated, the arrangement made by Mr. Coates seems to follow in regular order from the change made as to the last day for the publication of the notice, until we come up to the time of the sitting of the examiners. Practically, I think that very little, if anything, would be gained by causing the examiners to commence their sittings on the 8th of January instead of on the 18th, and for this reason, commencing as they do now on the 18th of January, a very large number of Bills are ready for the House to take when the House meets, and the real period at which the private business commences is necessarily the meeting of the House. Of course everything with regard to the sitting of the Committee, and so on, must necessarily take its date from the period at which the House commences to sit. In the present Session there were 504 petitions for Bills deposited, a number which I think will probably not be reached again; but taking an ordinary Session, when the business is not so large as it has been, I think that the Examiners beginning to sit as they do now upon the 18th, the great bulk of the business, or at all events quite as much as the House can deal with, would be ready for adjudication when the House meets. My impression is, that between 200 and 300 Bills were reported by the Examiners on the first day of the meeting of the House this Session. They commenced sitting on the 18th January, and the House met on the 4th of February, so that I think I am pretty nearly correct in saying that there would be 230 Bills, or thereabouts, actually in the House on the first day; and on each succeeding day of the House sitting, of course there would be a number of reports again from the Examiners, and I believe that in an ordinary Session you would find the great bulk of the Bills disposed of before the Examiners, so far as they are concerned, at a very short period after the meeting of the House. The difficulty of the Bills being kept back in consequence of their having been referred to the Standing Orders Committee, must necessarily arise in any case; and the groups in which those Bills so referred to the Standing Orders Committee, would have to be placed, must necessarily be kept back until the Standing Orders Committee have made their decision, and therefore Mr. Coates has, perhaps, been looking rather too much with an eye to the large amount of business which we have had in this present Session. But I really do not think that very much would be gained by anticipating the sitting of the Examiners before the 18th January.

177. I think you gave us your opinion as to the average period of the cessation of the Examiners?—There would be of course a number of Bills which would hang over, some which would be adjourned; the Committee will get that more accurately from Mr. Frere, but I think that within a few weeks after the meeting of the House the bulk of the business was done, except in the case of some Bills which had been adjourned at the instance of the parties. Upon that point, I think I must venture somewhat to disagree with Mr. Coates; that is, as to limiting the discretion of the Examiners as to the postponement of cases. I have known a variety of cases of this kind arise in which the Examiner has been asked for an adjournment, with a view to the settlement of the opposition—the settlement of oppositions always occupies some considerable time—and it may have been in those adjournments that oppositions have been settled upon merits as well as upon Standing Orders, and cases of that kind should be left to their discretion. There have always been cases, of which I had several during the present Session, of Bills which were doubtful whether they would proceed or not; but inasmuch as by the Orders of the House the promoters of a Bill must proceed within a certain period after the Examiner has

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has made his report to the House, they necessarily must incur the expenses of the different stages. The Examiner more than once in the present Session adjourned Bills which were doubtful as to their proceeding, and in two cases which I had this year the Bill did not proceed, and the parties were saved considerable expense. Therefore, I think that a discretion must still be left very much in the minds of the Examiners whether or not they will grant an adjournment, and I think we may very safely trust them not to grant an adjournment unless there is sufficient reason shown them why it should be so.

178. With regard to the presentation of petitions in opposition to Bills, you differ with Mr. Coate's proposition?—The time for petitioning against Bills, assuming that some earlier period has been taken for the preliminary stages, might, I think, very properly be eight days after the first reading of the Bill, including seven clear days, and I think the effect of it would be this, as I ventured to say before, that it will facilitate the proceedings of the Committee of Selection. At present as you are aware, a Bill, upon the second reading, is committed, but the Committee of Selection can hardly deal with it; they cannot deal with it, at all events conclusively, because they cannot know, until the eighth day after the second reading, whether the Bill will have to be grouped, or whether it will be an unopposed Bill; whereas, if the time for petitioning expires prior to the second reading of the Bill, immediately upon the second reading, it would be committed to the Committee of Selection, who might at once commit it to the Chairman of Ways and Means, or place it in a group. That might save some labour and some trouble on the part of the Committee of Selection; you would have to change the Standing Order, which prescribes the time for the second reading of the Bill; at present it is that no Bill shall be read in less than three, or later than seven days after the first reading; so that it would have to be altered so as to correspond with the time of presenting the petition. You would have the second reading and the time for petitioning falling on the same day, if you did not do so,

179. Why should the second reading depend at all upon the presentation of the petition, it is not so in the House of Lords?—No, that is not the case in the House of Lords.

180. The second reading does not depend upon the petition, nor the presentation of the petition does not depend upon the second reading?—That is so.

181. Have you any other suggestion to make?—I should follow up Mr. Coates's suggestion with regard to the Schedules to the landowners' notices; I think that that is a matter which involves an immense amount of labour and an immense amount of risk of inaccuracy, and really gives the landowner no appreciable information whatever. Upon a flat level surface of country he might get some information; but where there is, as there necessarily must be, a power to the company to deviate to the extent which is at present permitted by the general Act, of 100 yards from the centre line as laid down, when you are in a sidelong country, I believe that the notice to the landowner stating the cuttings and embankments is worse than useless; I believe it is calculated very much to mislead him with regard to the line.

182. Do you propose to do away altogether with the individual notice to the landowner?—Certainly not; I would give him a notice specifying, if you please, the properties and the numbers upon the plan, as he now has them, but I would leave out the column which describes the section. You have 100 yards of deviation, and the Standing Orders at present say that all property intersected by the centre line, or within 11 yards of the centre line, should be placed in the first Schedule, and all property beyond 11 yards, and within the limits of deviation, shall be placed in the second Schedule of the present plan as deposited; but I believe never yet was a railway made in entire conformity with the plan deposited, because the powers of deviation are usually exercised; and it may be that his property is not touched at all, because the limits of deviation may take the line away from his lands.

183. The Standing Orders of the House of Lords and Commons are identical upon that point, are they not?—Yes.

184. So that if we made an alteration of the Standing Orders here, unless we got the consent of the House of Lords, we should do no good?—I should hope that the House of Lords would do it another Session, if not this year. I believe it to be a perfectly useless proceeding for the benefit of the landowners,

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and certainly it is a very onerous one upon the promoters of a Bill. I would also concur with Mr. Coates in the non-deposit prior to the meeting of Parliament during the month of December of the lists of owners, lessees, and occupiers. This, I believe, to be utterly useless, and for this reason; the lists can only be made up to the time of the deposit, at which period many of the landowners have sent in no answers at all whether they assent, dissent, or are neutral; but by the time that the Bill comes before the Committee, at which time alone the feeling of the landowners, whether assenting, dissenting, or neutral, is of any practical benefit, an immense change may have taken place. A document, which was deposited in December representing the state of things then, shows a very different state of things to that which exists at the time when the Bill is actually before the Committee.

185. The opinion of the Committee is very much affected, is it not, by the number of assents and dissents to the Bill?—Then I would call upon the promoters to hand in a list of assents, dissents, and neutrals up to that time.

186. How would you give the opponents an opportunity of testing the correctness of the list of assents and dissents?—You might do that, of course, by the deposit being made prior to the sitting of the Committee, but what I want to point out is that the deposit at present is really a deposit of a thing which is not the thing upon which the Committee on the Bill sits; it has been changed by circumstances; I have known cases where a list deposited, contained it may be a majority of landowners dissenting, and when the Bill has come to be inquired into by the Committee, they would probably be reduced to very few.

187. Would it not be dangerous to do away with the necessity of depositing those lists in sufficient time for them to be tested?—I do not think it is very commonly that they are tested. It is very rarely that I am instructed to get a copy of the deposited lists, except for the purposes of opposition on Standing Orders.

188. As a Parliamentary agent, do not you bring it forward very often in Committee as a reason why the Committee should not pass a Bill, that there are very few assents to it?—I can say that at the time that those lists were deposited there were very few assents, but I cannot say how many there have been since, and then if I take that ground I am met by the production by the promoters of the Bill of an amended list up to the period at which the Committee are inquiring into the case.

189. If the list of assents and dissents is to be made the foundation for testing the merits of a Bill, certainly you must give the opponents some power of testing the correctness of it, or it would be valueless?—You would prove it before the Committee by *viva voce* testimony; you would produce a Table before the Committee, and put in your witness to speak to the accuracy of the Table, who would then be liable to cross-examination upon its accuracy.

190. In one case, I myself was put in as an assenting party to a railway, although I was not an assenting party to the railway; would you give one an opportunity of proving that I was dissenting?—No doubt there might be such a case as that. There must necessarily be a deposit in some public office accessible to the parties. In my own practice, I do not think that a great deal of good has resulted from that deposit, and I do not think it is a matter of very great importance; but the thing having been suggested by Mr. Coates, I concur in that view.

191. It is very valuable that you should just ascertain whether you can do away with it; who are the parties generally employed to obtain the assents and dissents?—In the majority of cases, it is obtained from written answers; every notice served upon a landowner contains a form of reply for him to fill up and to return, and those coming to the solicitor for the Bill, under his instructions those returns are compiled into tables from the written returns sent to the answers. It is not very frequent in these days that a verbal answer is given, I should say never, or next to never; they would all be written answers returned to the application which has been made. But that is only up the time at which the deposits are made. What I want to guard against for the Committee is that change of circumstances which takes place between the deposited lists and the period at which the Committee inquire into the case; the changes are very great in many cases. There was another point upon which a question was put

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to Mr. Coates, namely, the question of *locus standi* and the expediency of putting in a written statement of the ground upon which one party claimed and the other party denied the right of the petitioner to be heard. I think that there would be very few cases indeed, in which a written statement of *locus standi* would be a satisfactory mode of disposing of that point. The questions involved in *locus standi* are frequently of very large amount indeed, particularly those questions which turn upon the ground of competition, and I do not think it would be possible to condense into a satisfactory form the points arising upon questions of *locus standi* of that character.

192. At the present moment the decisions with regard to *locus standi* are very variable, are they not?—There is a variation in them, no doubt, but I should hardly put it so strongly as the question seems to imply.

193. Would not the proposed scheme insure uniformity of decision upon all points of *locus standi*, which would be of great service to the parties coming before Parliament?—My observation applied to the question of discussing the right of *locus standi* by written statements; I was not going into the question of the tribunal or discussing that question, but merely as to the *modus operandi* before the Committee. I think that you cannot safely lay down a rule that the question of *locus standi* might under any circumstances be decided by written statements; it is a different question from that which comes before the Standing Orders Committee. There are very few instances in which where *locus standi* is contested, a written statement of the grounds would be satisfactory.

194. Do you agree with Mr. Coates that every person opposing a private Bill before Parliament should be obliged in his petition to state every point on which he opposes it, and to reveal his *locus standi*?—I must answer that question, whether I agree with Mr. Coates, not in the affirmative, or in the negative. The Standing Orders now require that the grounds upon which the petitioner objects to a Bill shall be set forth in his petition, and, in practice, the petition is always carefully perused by the promoters of the Bill, to ascertain whether or not the grounds are set forth. If, during the course of the inquiry, the counsel for the petitioner raises a point which is not set forth in his petition, as a matter of course the counsel for the Bill objects to that matter being gone into; and there are a variety of cases in which a Committee would decide that the petitioner should not be entitled to go into a matter which was not pointed out in his petition.

195. Mr. *Adair.*] There is a Standing Order to that effect?—Yes; there is a Standing Order, which, of course, is binding upon the Committees, and, in practice, I think, it insures the result intended.

196. Mr. *Ayrton.*] On this question of *locus standi*, is it within your experience that petitioners are ever made use of by third parties, to oppose a Bill when those third parties, would have no *locus standi* themselves?—No doubt petitions are presented and supported by parties, either for the purpose of strengthening their own case if they have one, or for guarding against the contingency of the Committee deciding that they have no case.

197. Do you see any objection in all those cases to the Committee preventing parties being so made use of where they have no real interest of their own, and where they do not appear and petition for any interest of their own?—I think that it would be a very difficult task for Committees to accomplish, to ascertain what those cases were.

198. Do you see any difficulty in a party being examined upon the *bona fides* of his opposition, whether it is for his own interest or for the interest of a third party who has no *locus standi*?—Certainly not; if it were thought desirable a petitioner against a Bill might be required to attend before the Committee, with a view to be subject to that amount of examination; but in justice to the petitioner, it would have to stop at the one question, "Are you doing this as *bonâ fide* your own opposition, or are you not?"

199. Would it not be a proper question whether he was himself about to bear the costs, or whether another person had guaranteed them?—I think that if any rule were laid down by which a landowner should be disabled from defending his interest before a Committee, excepting at his own individual cost, the landowners would suffer a great amount of hardship. Opposition to a Bill in Parliament is a very expensive process indeed; therefore, you practically would deprive them of the opportunity of having their cases submitted to Committees, if they were to be precluded from availing themselves of the assistance of a company

pany adverse to a Bill before Parliament, and to deprive them of the opportunity of such a company taking up their case, and submitting it to the Committee.

200. Where a landowner had no grievance of his own?—No; I am assuming, of course that the landowner has a grievance of his own.

201. Mr. *Hassard.*] With regard to *locus standi*, supposing there were a tribunal of referees appointed, do you see any difficulty in discussing the question of *locus standi* before them in the manner in which it is now discussed before a Committee?—I think that in a large number of cases there might be no difficulty; but I think there are cases, a minority certainly, where it would be desirable that the question of *locus standi*, involving, as it necessarily does, a considerable part of the merits of the case, should be heard before the tribunal which are to decide upon the merits. I am alluding now especially to the cases of competition.

202. If a petition discloses competition as a ground of opposition could not that question be discussed before the referees as well as before a Committee; I mean the bare fact of competition?—Assuming the statements in the petition to be true, as is always done in the case of *locus standi*, I think it might, except in some of the peculiar cases which I have referred to. I think that the bulk of the cases of *locus standi* might be considered by another tribunal.

203. Of course, I always have in view reserving a certain number of cases of *locus standi* which might arise, and which might be entitled to an examination by the full Committee; but could not the bulk of cases of *locus standi* be practically discussed before the referees?—I quite think so.

204. Would there be any difficulty in fixing a day for the deposit of petitions against a Bill, in the same manner as a day is fixed for the deposit of the Bill; would there be any difficulty in fixing a day, without relation to its progress through the House?—Yes, I think there would. I have seen the proposed Standing Order, and I think the difficulty would be this, and I will illustrate it by the number of Bills this year, and what took place upon them. There were 504 petitions, with Bills annexed, deposited in the Private Bill Office on the 23d of December; it is not until both Houses have met that the division of the Bills between the House of Lords and the House of Commons takes place; therefore, supposing a Standing Order were passed obliging all parties who intended to oppose a Bill to present their petitions during the month of January, long before the House met, it would be necessary for all parties petitioning against all those 504 Bills to have lodged their petitions in the House of Commons; but of those 504 Bills only 361 were actually read the first time in the House of Commons in the first instance, the others went to the House of Lords; and of those which were read a first time in the House of Commons, 24 did not go to the second reading. Therefore, taking the present Session as a test, there would be 167 Bills against which parties, if they wished to oppose, would have been obliged to send in their petitions to the House of Commons, though those Bills were not, in fact, at the time, and many of them not subsequently, entertained by the House of Commons at all.

205. As far as regards those that were allocated to the House of Lords, would there be any difficulty in letting the petition against a Bill, accompanying the Bill itself, be referred to the House of Lords?—I think there would also be this objection to that, that you are putting the opponents of a Bill to the necessity for an opposition, which may be a useless one altogether. For instance, supposing we take any time earlier than a fixed period after Parliament has met, say any time in January, the Bill may not proceed at all; it may be refered to the Standing Orders Committee, and may be rejected by them, but in each case the opponents of the Bill must necessarily have had the expense of having the petition prepared and presented to the House, although the Bill itself may be disposed of by withdrawal or rejection. I think if you were to take the system of presenting petitions after the first reading, instead of as it is now after the second reading, that practically the time which it is your object to save would be saved as much as if the deposit were prior to the meeting of the House.

206. Would there be any difficulty in making the Bills as deposited a little more perfect than they are, and more like the Bills which are actually submitted to Committees than they are now?—All I can say is, that with regard to my own Bills, I endeavour to make them as perfect as possible in the first instance.

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207. You are aware that there is a material difference between the Bill as lodged and the Bill as submitted to the Committee?—Occasionally, but not as a uniform principle; and the cases where Bills vary most materially between the times they were deposited and submitted to the Committee is caused, I think, by the clauses that are proposed to be inserted for the protection of individuals; of course at the time when the Bill is deposited, upon the 23d of December, the promoters of the Bill cannot know that those clauses are desired by the opponents of the Bill; there has not been any communication between them so as to have them prepared.

208. Would there be any difficulty in getting petitions against Bills to traverse precisely the allegations of the preambles of Bills in the same way that pleadings in the Court of Equity now do; I mean to make the petitioner take the preamble paragraph by paragraph, and traverse it, so as to make a definite issue, in fact, between the parties?—That system would apply to some Bills, but I think it would not apply to a great many; for instance, the preamble may be that the making of a railway from A to B would be a public local advantage; of course the petition which comes in says that the preamble is not true, and that the making of the line will not be an advantage.

209. But if the preamble were ordered to be amplified so as to show why the allegation is made, that it will be an advantage, and so as to set out the grounds upon which that allegation is made, would not that be desirable?—I question whether it would be desirable, because I think that it would involve the system of special pleading, which would rather tend to embarrass than anything else; the promoters of a Bill of course would be anxious not to omit any one point upon which they could claim to rest their case for the Bill; and, therefore, I think that the preamble would become rather complicated than simplified.

210. It would become more elaborate; but would not it be an advantage if the opponents were confined to traversing the facts, in fact if they were obliged to apply themselves directly to those allegations in the preamble?—I think that the promoters would put in every fact in their preamble which they thought would, by any possibility bear upon their case, and that the opponents, in like manner, would traverse every one of those facts, lest they should be shut out from going into any point of opposition, because the petition did not specify it.

211. Would not that put an end to that amount of evidence which is given before Committees, and which Committees sometimes stop, because it appears to be interminable?—My impression is that it would be rather the other way, I think that promoters would enlarge their preamble, and exercise their ingenuity to get in every matter, which, by any possibility, could bear upon their case, lest they should be shut out on any one point.

212. *Chairman.*] Have you any other remark that you wish to suggest? There is one point which I wish to suggest, which is the publication of notices in London newspapers when a Bill has no relation to London; that appears to me to be a very unnecessary proceeding. For instance, for whose benefit is such a notice intended? I will not venture to say how many papers there are in London, but any one of those may be chosen, and unless some gentleman, who is interested in all the proceedings in Parliament, takes in every newspaper, the chances are that he does not get hold of the right one, whereas, for all public purposes, you have them all collected in the "London Gazette." This publication in the newspapers is an expensive process, and I think that it might with propriety be got rid of. There is another thing that I would mention, which is, the assimilating of the person before whom affidavits may be sworn in Ireland to the person who performs the same functions in England. In Ireland, affidavits have now to be sworn before a judge or a revising barrister. The revising barrister and judge live at a wide distance, and sometimes it is necessary to send witnesses a very great distance to make affidavits; whereas in England affidavits may be sworn before a justice of the peace.

213. Mr. *Hassard.*] In Ireland, the revising barrister never resides in the district where he acts?—The Honourable Member would be able to give a very useful opinion, and to show you the inconvenience of the present system.

214. *Chairman.*] It would seem that you do not think very highly of this plan of referees?—I am afraid that it is involved in a considerable amount of difficulty in precisely defining what the duties of referees are to be. If the question

question of fact, as separated from inference, could be ascertained by the proposed tribunal, then I think that time might be saved by it; but either the report of the referees must be binding, or of course it must be open to appeal in Committee. That was a point which was put to Mr. Coates, whether the opinion of the referees should be subject to revision. If the opinion of the referees is to be subject to revision, then I do not see how the Committee, who are to revise, can do so upon proper information, unless they themselves also examine the witnesses. You would have the referees forming an opinion upon the evidence which had been given before them *vivâ voce*, and you would have the Committee revising that opinion without having the evidence brought before them. But if they were to have the evidence brought before them in order that they might have the same means of judging of the case that the referees have had (having the witnesses before them), that seems to me to involve necessarily a second inquiry, with all the expense which would attend that second inquiry. I should be very glad to see a system adopted by which the time of the Committee could be saved; and if any clear decisive rules with regard to facts could be laid down, I think it would be quite desirable to try the experiment of the referees. What occurred to me was this; that probably it might be worth while to try that experiment upon some one class of Bills in the first instance, to try it first, and then to extend it or drop it afterwards, as the occasion might require. I think also that such a Court of Referees would be quite unequal to get through the task, unless the amount of labour which is submitted to them is to be of a limited character, and as to certain prescribed facts.

215. Mr. *Lowe*.] Do not you think that two different sets of people might draw different inferences from the same facts?—It is quite possible that they would.

216. If a Committee did not adopt a referee's opinion, it does not necessarily imply that they must reinvestigate the facts?—The Committee, I apprehend, would not have the facts before them.

217. You would have all the circumstances reported upon by the referees, and their opinion upon those facts; might they not take the facts, and yet differ in opinion?—If they were simple facts, that might be so; but in all those inquiries the evidence is rather evidence of opinion than evidence of fact.

218. Mr. *Hassard*.] What would be the difficulty in confining the referees to simple facts, without their coming to any conclusions of their own?—The difficulty is to know precisely what is fact.

219. For instance, take engineering; suppose there were two Railway Bills going between the same points, and going nearly over the same ground, but with sufficient deviation to make the engineering of the one different from that of the other, what is there to prevent the tribunal of referees from simply giving the engineering of each of those lines, without stating their opinion as to whether one is better than the other?—By engineering, will the Honourable Member define what that embraces.

220. I mean with regard to a railway, the gradients and curves, the amount of cutting, the amount of embankment and level crossings, and so on, confining it simply to engineering facts?—With regard to a railway, except the amount of earthwork, each of those points is presented upon the deposited plans and sections, and it therefore is a fact before the Committee upon the plans and sections as deposited in the month of November.

221. I think that in your experience you will find that Committees very seldom have very clear ideas of what really is contained in the deposited plans and sections?—As to facts of this kind, that sort of analysis (for that is what it amounts to) of that which is upon the plan and section, might be handed in by any one.

222. It would be simply an intelligible table of the plan and section turned into words and figures, instead of a geometric drawing?—Yes.

223. With regard to waterworks, such facts as the height of the head of water which would be supplied, the height of the points to be supplied, the present mode and quantity of supply for the district; could not those be ascertained in intelligible language also?—Those facts no doubt might be ascertained and reported upon as facts by any tribunal outside the Committee.

224. Is not it very frequently the case that the evidence necessary to ascertain those facts is very voluminous?—I have not had very large experience in

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Water Bills, but I have no doubt that it is so. I can quite understand from the nature of the case that it must be so.

225. As to the sufficiency of the estimate to carry out the works, could that fact be ascertained within fair limits?—I think that that is not a fact. For instance, supposing you have an amount of estimate given, you would have three engineers saying upon the one side, We have examined the section, and we have taken our estimate of the earthworks; you would have three engineers for the opponents who have done the same, and those being inconsistent with each other, I do not see that the referees can report the facts; they must report their opinions.

226. They might either report the facts as they have been given in evidence by the witnesses, or they might report their own opinion; but even supposing in that case they did go out of the facts, and report their opinions, would not a continuing tribunal, such as the referees would be, be more competent to pass an opinion upon the sufficiency of these estimates than a casual Committee, because that sufficiency of the estimates is one point which I understand under the Standing Orders is specially referred to Committees?—There is no doubt that the more practised any tribunal is, the more likely it is to come to a uniform decision.

227. Might it not be satisfactory to the Committee which had to decide upon the matter afterwards if the referees were to report the evidence, shortly stating what had been laid before them, and to append to it on which side the balance of probability happened in their opinion to lie with regard to the sufficiency of those estimates?—I think with deference that that would not be satisfactory, because you must know how very different it is to read evidence which has been given and to hear the evidence being given, and you would then be referring to the tribunal of ultimate resort, the written evidence, or even, perhaps, less than that, an abstract of the evidence, without having the witnesses themselves before you giving the evidence.

228. Are not those points really which a Select Committee are generally very incompetent to decide?—I could not concur in that opinion.

229. With regard to the other facts as to the investigation of traffic, both traffic existing and which may be alleged to be secured, and also traffic in prospect which the projected line hopes to get, could not the evidence on those points be taken before the referees, and tabulated and reported upon as matters of fact?—If it were a simple matter of fact, as, for instance, if it were a question of how many tons of goods went to a definite place between two defined points in the course of a year, what amount of accommodation there was for passenger traffic, the average number of passengers taken by a certain ascertained number of coaches during the day; that is all matter of fact, and clearly might be ascertained before one tribunal as well as before another tribunal, but when you come to the question of the probable amount of traffic which would pass upon the line, that opens a much wider question, because that involves the question of the abstraction of traffic, it may be, from some existing route by which it is carried, and it involves a larger question, in fact, drawing in the question of competition.

230 Could not the elements of that be taken before the referees; would not that be evidence which would be given by the opponents before the referees?—Then that comes back to the former question—that the Committee would be judging upon evidence not given to themselves within their own hearing, but given elsewhere, and submitted to them either in its integrity or in its abstract form.

231. In the case of Gasworks, would not the same observation apply as in the case of Waterworks with regard to the supply proposed and existing, and the wants of the district?—No doubt. I think that Gas Bills, with the exception, perhaps, of those which were for establishing competing Companies with existing Companies, might well go to another tribunal, to ascertain the facts. But if it were the case of a Bill for establishing a competing Company, then I think the same difficulty which I apprehend might arise with regard to evidence taken outside the Committee would again arise, that there must be a deduction from the evidence; and if the witnesses were not to be heard afterwards, the Committee would have to form an opinion, not having heard the evidence which had been given upon the subject.

232. That

232. That merely turns upon the demeanour of the witnesses?—Very much upon the demeanour of the witnesses.

233. Still might there not be a very large number of facts which could be ascertained merely as facts, and reported upon, and the Committee relieved from the investigation?—Yes, as long as they confine themselves to facts, but I should doubt very much whether a great number of facts could be so referred.

234. Do you think it would be done in such a case as a Water Bill?—I think that in the case of Water Bills, some of those facts which the Honourable Member has stated, might well be ascertained and reported to the Committee as ascertained facts, because they involve simple questions of measurement; for instance, the height of the water, those are simple questions of calculation, and might easily be got at.

235. Might it not go further than that; might it not go into the volume of the supply proposed, and even sometimes into voluminous geological evidence, with regard to the probability of the continuance of that supply?—No doubt that might be so.

236. Do I rightly understand that, in your opinion, all those facts could be reported upon simply as facts, and without the referees giving any opinion upon them?—I think that the time of the Committee would necessarily be saved if mere questions of fact were inquired into, outside, and the facts, the result of those inquiries, were reported to the Committee, for their direction, without inferences being drawn. I think that if they have before them inferences drawn from facts, the inferences must either be conclusive, or they must be open to appeal, and, if open to appeal, then I think you would have the expense of two inquiries instead of one.

237. My question was directed to this, whether you are or are not of opinion that a certain class of facts could be ascertained merely as facts by a tribunal outside, and reported upon so as to lighten the labours of the Committee afterwards?—No doubt.

238. The Committee themselves being left to draw their own conclusions from those facts?—No doubt there are such facts which might be so dealt with.

239. Mr. *Ayrton*.] Do you adopt the scheme of referees as one likely to be satisfactory to the public, or do you propose any other tribunal?—No, I have not in my mind any particular tribunal or any particular constitution of tribunal; my answers were given upon the broad question of any court other than a Committee of The House, inquiring into those facts without reference to the constitution of that tribunal.

240. Have you considered what tribunal would create confidence in the minds of the suitors to Parliament?—I confess that I think that any outer tribunal would be so questionable in its results, that I have not addressed myself to the question, and I am afraid it would hardly work satisfactorily. Will the Committee allow me to make one suggestion with regard to the time for deposits. I think that it might be not unaccompanied with advantage, if an earlier period for deposits were fixed which should be applicable to Railway Bills. It is the grouping of Railway Bills which causes delay in the sitting of Committees. If Railway Bills were to be deposited by a particular day, they would necessarily come before the examiners before Bills which are deposited at a late day, consequently all the railway business under any circumstances must have got through the hands of the examiners by the time Parliament meets, and the possibility of grouping them would be increased by their all having been deposited, instead of some of them being, perhaps, late on the list. The other Bills to be deposited as at present, on the 23d of December because it would be very seldom that those Bills involved any trouble in grouping them.

241. *Chairman*.] What day would you suggest for the deposit of those Bills?—I would say the 15th of December.

242. Mr. Coates proposed the 10th of December for the deposit?—The object of naming an earlier day is no doubt somewhat of a personal character, having reference to the labour of getting the Bills prepared.

243. Mr. *Ayrton*]. What is the use of all this acceleration, if the Examiners prepared all their Bills, and they were all ready for grouping within 10 days after the meeting of Parliament?—That is what I wanted to state; I was wrong for not having given the Examiner credit for being so early as he

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was. The great bulk of the business is always done before the meeting of the House; and inasmuch as the meeting of the House is the period from which the proceedings in the House necessarily date, if the Bills are ready by that time, I do not see that we should gain any advantage by expediting the deposit.

244. Mr. *Adair.*] I understand the effect of that plan would be that all railway Bills being deposited first, and it being the custom of the Private Bill Office to number every Bill, to take them numerically, the effect would be that every railway Bill would be ready at the meeting of the House, and in your opinion they should be brought the most forward, for the purpose of subsequent hearing?—Quite so; every railway Bill would be ready, excepting those which are in the Standing Orders Committee; every Bill is taken in the order in which it is upon the Speaker's list.

Charles Frere, Esq., called in; and Examined.

C. Frere, Esq.

245. *Chairman.*] YOU have been Examiner of Petitions for Private Bills for some years past?—Yes; for seven years.

246. It has been suggested, with a view to expediting the private business of the House of Commons, that the time at which the deposit of memorials to go before the Examiners should take place, should be altered from the 9th of January to the 1st, and that the first sitting of the Examiners should be on the 10th of January, instead of on the 18th; have you any objection to that suggestion?—None at all, if the preliminary stages were altered in correspondence with it; otherwise there would not be time for the Memorials to be drawn.

247. The preliminary stages would of course be altered, but you would not object, would you, to the sitting of the Examiners beginning on the 10th of January instead of the 18th?—No; I do not see that there is any ground for objection to it, except it be a private objection, which I should not think of bringing before the Committee.

248. What would be your private objections?—They are essentially private. Such an arrangement would interfere considerably with the Christmas holidays, as we are occupied for some time previously to our first sitting.

249. Do you think that you could get the business much more forward by this alteration of time?—The business would be, of course, so much more forward, but as far as the business of the House has been affected by the proceedings of the Examiners at present, the Examiners have always been beforehand I think with their work, and everything has been ready for the House as soon as the House could take it up.

250. Do you recollect the day on which you made your last report of the regular business in the present Session?—We got through the regular list about a fortnight, I think, after the House met this year; this year there was an unusual amount of private business, but ordinarily speaking it is from a week to 10 days after the House meets.

251. The House met this year on the 4th of February, did it not?—Yes.

252. And by the 10th of February all your reports were in, were they not?—We had 330 Bills ready by the meeting of Parliament.

253. Do you think that any alterations that we might recommend to the House, with the view of expediting private business, would be materially affected by the alteration of the days of the sitting of the Examiners?—Not except the House was ready to take the business earlier than it is at present.

254. It has been suggested that the Examiners should not make so many adjournments of the cases before them as is now the custom for them to do; have you anything to say upon that?—I cannot understand the objection exactly, the only adjournments that we make being for the purpose of the proper conduct of the case, how it can be suggested, in order to the proper conduct of the case, that we should not make adjournments I do not understand.

255. What are the circumstances under which you admit of an adjournment? The circumstances under which we should admit of an adjournment would, for instance, be the case of witnesses not being ready to give their evidence till a certain day; or that if you brought them up to town on a Friday or Saturday, and the case was not likely to be concluded, they would be kept in

town

town till the Monday, and we might, perhaps, take the case on the Monday, in order to conclude the case on that day; then again, as I heard mentioned whilst I was in the room, it is sometimes stated that the opposition is likely to be withdrawn, and that time will be materially saved by an adjourment; it is always on the application of the parties, and we do not allow the general business to be interfered with by the adjournment of particular cases.

256. It is the custom of yourself and your co-examiner, I presume to trust for the elucidation of the facts to the opposition which may be raised against the Bills before you?—Yes; that is to say, we take the evidence of the promoters as conclusive, if it is uncontradicted. We do not put them on oath; we have no power of examining on oath, nor do we cross-examine them ourselves. They state that their plans and other proceedings are correct, and we take their evidence as final; but, if any objections are taken, we go into those objections thoroughly.

257. Mr. *Hassard.*] With regard to the acceleration of your proceedings if there should be any tribunals of referees, and it is intended that those referees should make their report before the sitting of the Committee, would it not, then, be necessary that your proceedings should be a little anticipated also?—Perhaps it might; and if so, there would be no difficulty in making our sittings earlier.

258. *Chairman.*] I have a letter from you in which you suggest an alteration with regard affidavits in Ireland. Have you any remark to make upon that subject?—At present affidavits in Ireland are not taken in the same way as they are in England; they are only taken before a judge or an assistant barrister, as it is called in the Standing Orders. The Chairman of Quarter Sessions is the proper style now, and if the Chairman of Quarter Sessions when the affidavit is to be taken in the country does not happen to be at that time in that part of the country, they have to send to Dublin to have the affidavits taken. As taxing officer, I have found that to be productive of very great expense, and I would suggest that affidavits should be taken in Ireland as they are in England, before any Justice of the Peace. I do not see any reason why it should not be so.

259. Mr. *Ayrton.*] You generally finish all your proceedings, do you not, within ten days after the meeting of Parliament?—On the average we get through the general list with the exception of cases which are postponed for any particular reason by that time; even this year, I find by reference that it was within eight days of the meeting of Parliament.

260. Mr. *Adair.*] Are there not a large class of Bills which, if they were obliged to be deposited earlier, must necessarily be deposited in a somewhat imperfect state, such, for instance, as Improvement Bills, and Amalgamation Bills, and Consolidation Bills for consolidating former Acts into one Act?—I do not see that. Those are all first class Bills, which do not depend upon plan or section; and I do not see why they should not be prepared in good time.

261. You think the objection would not arise on that class of Bills?—I do not see why it should.

262. Therefore, you would recommend their being deposited at the same time as Railway Bills?—They are, now; they are all deposited at the same time.

263. I mean that you would not allow them to have a later period of deposit than Railway Bills?—I do not see any reason for it at all. I should say that I quite agree with Mr. Pritt in his proposal about abolishing the description of the section in the schedule in the applications to landowners. I see no reason for it; in fact, it is a useless and a very expensive requirement. Also, I think Mr. Pritt mentioned an alteration which I have long thought might be made, and that is, not requiring any advertisement in the London papers in cases where the Bill relates to lands in more counties than one. I think these are all the suggestions which I have to make to the Committee.

264. Mr. *Adair.*] Are the notices for Irish railways obliged to be published in the "London Gazette," as well as in the "Dublin Gazette," or in the "Dublin Gazette" only?—The notices for Irish Railways are only published in the "Dublin Gazette."

265. Mr. *Ayrton.*] You have no time to make any further inquiries; we may take it till the first fortnight after the meeting of Parliament, and if any new duties were put upon you, you would have no time to perform them till

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you had disposed of the examination of the Bills?—We are very fully occupied the whole day, and very long days from the time we begin our examinations to the time at which we finish the list, and that is about the middle of February.

266. Therefore, any new duties that you were asked to perform must commence from that time?—If there are any new duties put upon us, they must commence from that time. I would observe with regard to the question which the Honourable Member for Ipswich puts to Mr. Pritt, that the time of a Bill being deposited in the Private Bill Office would not force that Railway Bill to come on before another Bill which may be deposited later, as the agent is allowed to enter the Bills deposited by him on any number not already occupied.

267. Mr. *Ingham.*] You put your name down for a certain number?—Yes; you may take any number you please.

268. Mr. *Lowe.*] Do you always finish your reports within ten days after the meeting of Parliament?—This year was an uncommonly heavy year, and yet we had finished within eight days after the meeting of the House. I am speaking only of the general list; we have postponed cases afterwards, and cases constantly referred to us during the whole of the Session, on which we have to report

269. Has it ever been more than ten days?—It has not been later than it was this year, I think, since the day of the first sitting of the Examiners was altered from the 25th to the 18th January.

REPORT

FROM THE

SELECT COMMITTEE

ON

STANDING ORDERS REVISION;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
21 *July* 1864.

510—I.

Under 8 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

STANDING ORDERS.

SHEFFIELD, CHESTERFIELD, AND STAFFORDSHIRE RAILWAY BILL.

Ordered, by The House of Commons, *to be Printed,*
18 *March* 1864.

SELECT COMMITTEE ON STANDING ORDERS.

Jovis, 11° *die Februarii*, 1864.

Committee nominated of—

Colonel Wilson Patten.
Mr. Walpole.
Mr. Henley.
Mr. Wrightson.
Mr. Herbert.
Mr. Bramston.
Mr. Bonham-Carter.
Mr. Lefroy.
Mr. Dunlop.
Mr. Puller.
Mr. Edward Egerton.

Mercurii, 24° *die Februarii*, 1864.

Ordered, THAT Mr. Paget be added to the Committee.

Lunæ, 14° *die Martii*, 1864.

Ordered, THAT the Special Report from the Committee on the Sheffield, Chesterfield, and Staffordshire Railway Bill be referred to the Committee.

REPORT.

THE SELECT COMMITTEE on STANDING ORDERS, to whom was referred the SPECIAL REPORT of GROUP No. 16 of RAILWAY BILLS (SHEFFIELD, CHESTERFIELD, and STAFFORDSHIRE RAILWAY BILL), and who were instructed to Report to the House their opinion whether the facts stated in the SPECIAL REPORT of the COMMITTEE on the SHEFFIELD, CHESTERFIELD and STAFFORDSHIRE RAILWAY BILL constitute an infraction of the STANDING ORDERS; and if so, whether the Promoters should be permitted to proceed with their Bill, or what other course should be adopted;——HAVE considered the Matter to them referred, and have agreed to the following REPORT:—

THAT the facts reported to the House by the Select Committee on the Sheffield, Chesterfield and Staffordshire Railway Bill, and referred to this Committee, in regard to the deposit of stock in the Court of Chancery *ex parte* that undertaking on the 15th January last, do not appear to this Committee to amount to a direct violation of the Standing Orders of the House; but the Committee consider that they constitute an evasion of the securities provided by Parliament to insure the *bonâ fide* character of such undertakings, and that such evasion has been accomplished by means of a misconstruction and misuse of the provisions of the Act of 9 Vict. c. 20, which regulates the mode of paying monies into the Court of Chancery under the Standing Orders of Parliament.

That Act authorises a deposit to be made, in the cases therein provided for, of a certain amount of Government stock or securities in lieu of the deposit of an equivalent sum of money. The third section, however, which confers this power, expressly limits its exercise to the cases in which "any such Director or person having the management of any such proposed work or undertaking shall have *previously* invested in the Three per Centum Consolidated, or the Three per Centum Reduced Bank Annuities, Exchequer Bills or other Government securities, the sum or sums of money required by any such Standing Order, &c." The intention of Parliament appears to have been to relieve the Promoters of undertakings who might have invested any of their subscribed monies in Government securities from the necessity of reconverting the same into money for the purpose of paying the required deposit. The third section sanctions in such cases—but in such cases only—the substitution of stock for cash.

In the case referred to the Committee, it appears from the Report that the stock transferred to the name of the Accountant General by way of deposit was not stock in which the Promoters of the undertaking had "previously invested" any parts of their funds, or which in any sense could be considered as their own stock; but it was stock hired for the occasion from other parties wholly unconnected with the undertaking. It, therefore, appears clear to the Committee that this was not a deposit of stock authorised by the Act of Parliament. On referring, however, to the Warrant issued from the Private Bill Office of this House, it will be found that that instrument does expressly order and authorise certain persons named therein, who were the owners of the stock, but *not* "Directors or persons having the management of the undertaking," to transfer such stock to the name of the Accountant General, *ex parte* the undertaking in question. The construction of the Act under which the Warrant was so framed appears to the Committee to be quite inconsistent with the language, and equally

at variance with the intention and spirit of the statute. The practice adopted in consequence of this view tends to defeat the object of obtaining substantial security at the hands of the actual Promoters of undertakings, since it enables those persons to obtain from third parties a loan of the requisite amount of stock for a short period at a certain definite rate of payment, and upon the stipulation of a re-transfer of the stock to the lenders so soon as the deposit has served its purpose.

Moreover, it has been shown in this instance that, in order to secure this re-transfer being made, the real Promoters were obliged to divest themselves, to a great extent, of the control of the Bill, and to place the power of withdrawing it—whatever might be the judgment of Parliament upon its merits—in the hands of those who had lent the stock for deposit. The facts stated in the Report, in the present instance, illustrate the operation and abuses of the system.

It appears to the Committee of essential importance that the practice of the Private Bill Office henceforward should be made strictly conformable to the provisions of the law, and that no further latitude than the Act allows should in any instance be permitted. Much abuse which has grown up under the existing practice may, the Committee believe, be thus obviated.

With regard to the Bill in question, inasmuch as the Promoters have only availed themselves of a relaxation of the law which the existing practice afforded, and as many other Bills of the present Session would doubtless be found on inquiry to be open to the same objection, the Committee do not think it necessary to recommend that the consequences of the error should be visited on the Promoters by suspending the further progress of the Bill.

REPORT

FROM THE

SELECT COMMITTEE

ON

STANDING ORDERS.

Sheffield, Chesterfield, and Staffordshire Railway Bill.

Ordered, by The House of Commons, *to be Printed,*
18 *March* 1864.

140.

Under 1 *oz.*

SHEFFIELD, CHESTERFIELD, AND STAFFORDSHIRE RAILWAY BILL.

MINUTES OF EVIDENCE

On which the SPECIAL REPORT of the 14th March last is founded, being the MINUTES of EVIDENCE of the

MIDLAND RAILWAY (CHESTERFIELD TO SHEFFIELD) BILL,

Of the 11th March and 14th March of this Session.

Ordered, by The House of Commons, *to be Printed*,
25 *April* 1864.

LIST OF WITNESSES.

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Mr. Frederick Janson - - - - - - - p. 10
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MINUTES OF EVIDENCE.

Veneris, 11° *die Martii*, 1864.

JOHN HENRY SCOURFIELD, Esq., IN THE CHAIR.

11 March 1864.

THE Petition for the Bill was read.

Sir *William Alexander*, Q.C., Mr. *Venables*, Q.C., and Mr. *Cripps* appeared as Counsel in support of the Bill.

Messrs. *Pritt* & Co. appeared as Agents.

The Petition of the Trustees of the Derby, Duffield, &c. Roads, against the Bill, was read.

No Counsel appeared in support of the Petition.

Messrs. *Dyson* & Co. appeared as Agents.

The Petition of the Trustees of the Duke of Norfolk, against the Bill, was read.

No Counsel appeared in support of the Petition.

Messrs. *Dorington* & Co. appeared as Agents.

The Petition of the Trustees of the Owlar Bar Turnpike Roads against the Bill, was read.

Mr. *Miller* appeared as Counsel in support of the Petition.

Messrs. *Dyson* & Co. appeared as Agents.

The Petition of the Surveyors of Highways for the District of Heeley and Newfield Green, in the Parish of Sheffield, against the Bill, was read.

No Counsel or Agent appeared in support of the Petition.

The Petition of the South Yorkshire Railway and River Dun Company, against the Bill, was read.

No Counsel appeared in support of the Petition.

Messrs. *Dyson* & Co. appeared as Agents.

The Petition of the Promoters of the Sheffield, Chesterfield, and Staffordshire Railway, against the Bill, was read.

Mr. *Denison*, Q.C., and Mr. *Rodwell*, Q.C., appeared as Counsel in support of the Petition.

Messrs. *Martin & Leslie* appeared as Agents.

The Petition of Theophilus Marsh and others, against the Bill, was read.

No Counsel appeared in support of the Petition.

11 March 1864.

Messrs. *Dorington* & Co. appeared as Agents.

The Petition of Owners, &c. near the line of the Proposed Railway, against the Bill, was read.

Mr. *Denison*, Q.C., and Mr. *Rodwell*, Q.C., appeared as Counsel in support of the Petition.

Messrs. *Martin & Leslie* appeared as Agents.

The Petition of the Manchester, Sheffield, and Lincolnshire Railway Company, against the Bill, was read.

Mr. *Burke*, Q.C., and Mr. *Vernon Harcourt* appeared as Counsel in support of the Petition.

Messrs. *Wyatt & Metcalfe* appeared as Agents.

Mr. *Venables* was heard to open the case for the Bill.

Samuel Burgess Gunnell, Esq., sworn; Examined by Mr. *Cripps*.

1. ARE you one of the Clerks of the Private Bill Office of the House?—I am.

2. Did you receive a requisition, dated the 6th of January this year, in which the requisitionists were John Brown and Henry Wilkinson?—Yes.

S. B. Gunnell, Esq.

3. Do you produce that requisition from the office?—Yes.

[*The same was handed in and read as follows*:]

"Sheffield, Chesterfield, and Staffordshire Railway.

"To *Samuel Burgess Gunnell*, Esquire, one of the Clerks in the Private Bill Office of the House of Commons.

"Sir,

"We the undersigned, being two of the Directors of the Sheffield, Chesterfield, and Staffordshire Railway, do hereby, in pursuance of an Act passed in the 9th year of the reign of Her present Majesty, intituled 'An Act to amend an Act of the 2d year of Her present Majesty, for providing for the custody of certain monies paid in pursuance of the Standing Orders of either House of Parliament by subscribers to works or undertakings to be effected under the authority of Parliament,' request that you will grant unto Charles William Curtis, 11, Lombard-street, City of London, Esquire; Henry Bonham Carter, 11, Lombard-street, City of London, Esquire; Frederick Halsey Janson, 11, Lombard-street, City of London, Esquire, your Warrant or Order for payment into the Bank of England, in the name and with the privity of the Accountant General of the Court of Chancery, of the sum of One hundred and twenty thousand pounds, being 8 per cent. on the sum of One million five hundred thousand pounds, the estimated cost of the proposed undertaking.

"Dated this 6th day of January 1864.

Name of Requisitionist.	Description.	Place of Abode.
John Brown - - -	Steel and Armourer's Plate Manufacturer.	Sheffield.
Hy. Wilkinson - - -	Silver Plater - - -	Sheffield.

"*John Brown.*
"*Hy. Wilkinson.*

"Signed by the parties above-named in the presence of

Mark Halie,
"Clerk to Messrs. Smith and Burdchin,
"Solicitors, Sheffield."

4. You append to it this:—"We do hereby certify that the abovenamed John Brown and Henry Wilkinson are known to us as two of the Directors of the Sheffield,

Sheffield, Chesterfield, and Staffordshire Railway. *Smith* and *Burdchin*; *Baxter, Rose, Norton* & Co., Solicitors for the Bill. Amount of Stock to be paid in, 131,868*l.* 2*s.* 8*d.* New Three per Cents" ?—Yes.

S. B. Gunnell, Esq.

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5. In pursuance of that, did you deliver a warrant to those requisitionists?—I have no doubt I did; I cannot exactly remember that I did.

Mr. *Denison* stated that as he understood his learned friend did not allege anything peculiar in this, he would not ask the Witness any question.

Benjamin Lewis, Esq., sworn; Examined by Mr. Venables.

6. YOU come from the Accountant General's Office?—Yes.

7. Do you produce the warrant?—Yes (*producing the same*).

8. (To Mr. *Gunnell.*) Does that document bear your signature?—Yes.

B. Lewis, Esq.

[*The Warrant was read as follows:*]

"*Ex-parte* the Sheffield, Chesterfield, and Staffordshire Railway Company.

"To the Accountant General of the Court of Chancery in England.

"In pursuance of the provisions of an Act of Parliament passed in the 9th year of the reign of Her present Majesty, entitled 'An Act to amend an Act of the 2d year of Her present Majesty for providing for the custody of certain monies paid in pursuance of the Standing Orders of either House of Parliament by subscribers to works or undertakings to be effected under the authority of Parliament,' I do hereby order Charles William Curtis, Henry Bonham Carter, and Frederick Halsey Janson, all of No. 11, Lombard-street, in the City of London, Esquires, to transfer, into the name and with the privity of the Accountant General of the Court of Chancery, according to the provisions of the said Act, the sum of One hundred and thirty-one thousand eight hundred and sixty-eight pounds two shillings and eight pence New Three per Cent. Annuities, to be carried to the account of a projected undertaking called the Sheffield, Chesterfield, and Staffordshire Railway.

"Given under my hand this eleventh day of January 1864,

"*Samuel Burgess Gunnell,*
"One of the Clerks in the Private Bill Office of the House of Commons."

9. To Mr. *Lewis.*] Does that document (*handing another paper to the Witness*) bear the seal of the Court of Chancery upon it?—Yes.

[*The same was read as follows:*]

"*Ex-parte* a projected undertaking to be called the Sheffield, Chesterfield, and Staffordshire Railway.

"15 January 1864.

"I do hereby certify that, pursuant to an Act of Parliament passed in the 9th year of the reign of Her Majesty Queen Victoria, entitled 'An Act to amend an Act of the 2d year of Her present Majesty, for providing for the custody of certain monies,' &c., and the warrant of S. B. Gunnell, one of the clerks in Private Bill Office of the House of Commons, dated the 11th January 1864, Charles William Curtis, Henry Bonham Carter, and Frederick Halsey Janson have transferred to my account the sum of 131,868 *l.* 2 *s.* 8 *d.* New Three per Cent. Annuities, which I have accepted in trust for this matter, as appears by the certificate of Mr. G. Western, the proper officer of the Bank of England, dated the 12th inst., hereto annexed.

"For the Accountant General,

"*S. Parkinson*, jun."

"Bank of England, 14 January 1864.

"This is to certify that the sum of One hundred and thirty-one thousand eight hundred and sixty-eight pounds two shillings and eight pence, capital or joint stock of New 3 *l.* per Cent. Annuities, was this day transferred by Charles William Curtis, Henry Bonham Carter, and Frederick Halsey Janson to the Accountant General of the Court of Chancery, William Russell, Esq., in trust, to attend the orders of the said Court in *ex-parte* a projected undertaking to be called the Sheffield, Chesterfield, and Staffordshire Railway.

"*G. Western.*"

Henry Bonham Carter, Esq., sworn; Examined by Mr. *Venables*.

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10. YOU are, I believe, a Barrister, and also Managing Director of the Guardian Insurance Company?—I am.

11. Were you cognisant of the loan made by the Guardian Insurance Company for the purpose of the deposit by the Promoters of the Sheffield, Chesterfield, and Staffordshire Railway Bill?—I was.

12. Did you yourself make the arrangements connected with it?—I did.

13. Who were the persons with whom you negociated in the matter?—With a gentleman on behalf of Messrs. Baxter, Rose, & Norton.

14. Do you mean some gentleman in their office?—It was introduced by another gentleman in the first instance.

15. Did you communicate with one of the firm?—I did.

16. You have communicated with one of the firm of Messrs. Baxter about this matter?—I have; I never saw Mr. Baxter personally.

17. But a gentleman on behalf of Messrs. Baxter, Rose, & Norton applied to you for this loan?—Yes.

18. And you agreed, on certain terms, to let them have the money?—Yes.

19. Was there a written agreement or a verbal agreement as to the terms on which it should be lent?—It was a written agreement.

20. Do you produce that agreement?—I have it with me.

21. The Speaker's order was to the effect that all documents should be produced; will you produce the agreement?—I have no objection to producing anything which the Committee think I ought to produce, but this is a security, and, in the ordinary course of things, it is not usual for persons to produce their own securities; but I put myself in the hands of the Committee.

Mr. *Venables*.] Perhaps my learned friend Mr. Denison will say whether he objects.

Mr. *Denison*.] I shall be silent altogether.

Witness.] I do not wish to conceal anything from the Committee.

Mr. *Venables*.] We gave notice, in the usual terms, that all documents, agreements, and so forth, were to be produced, and I ask the Committee to direct that the agreement shall be produced.

Witness.] We are perfectly indifferent: we do not wish to conceal anything; but this being a security, in which other parties are interested as well as ourselves, I put myself in the hands of the Committee.

Mr. *Venables*.] I ask the Committee to decide that. I need hardly suggest, there is no exception in the rules of evidence affecting securities; securities are often most essential documentary evidence, therefore I ask for this document.

The *Committee* decided that the Witness should produce the agreement. (*The Witness handed it in.*)

22. Mr. *Venables*.] This is addressed to "Messrs. Curtis, Bonham Carter, and Janson;" Messrs. Janson and Curtis are two of your colleagues?—They are.

23. It is signed "Baxter, Rose, Norton, & Co."—"Gentlemen, In consideration of your having this day transferred to the Accountant General of the Court of Chancery the sum of One hundred and thirty-one thousand eight hundred and sixty-eight pounds two shillings and eight pence New Three per Cents., representing the sum of One hundred and twenty thousand pounds cash, as the Parliamentary Deposit in respect of the Bill of the abovementioned Company, we undertake that the said sum of stock shall be transferred to you, or a like amount purchased in your names, before the 15th day of July next, and before the said Bill is read a third time in the House of Lords, if it originates in the House of Commons, or *vice versâ*, and that we and the Promoters of the said Bill will do all necessary acts for releasing the said sum of Consols, and causing the same to be retransferred to you or your order, or purchased in your names as aforesaid in fulfilment of the above engagement, or in the event of the abandonment or rejection or withdrawal of the Bill, or the termination of the ensuing Session of Parliament, before the said 15th day of July." Then there is a provision,

provision, which does not concern us, about the interest and charges. That is merely an agreement of Messrs. Baxter and Company to repay the money on the retransfer of the stock; was the money lent on that sole security?—On that sole undertaking from them.

24. Have you no other undertaking from them of any kind?—No, none.

25. Have you from any other person connected with the Bill?—No, none.

26. Have you any understanding from any person connected with the Bill?—No.

27. Did you lend it entirely on the personal security of Messrs. Baxter and Co.?—Yes; on that undertaking there, and upon being satisfied that it was deposited in Chancery.

28. It still stands in your name?—It still stands in our name.

29. And cannot be paid to anybody else?—No.

30. But supposing that the Bill passed, and supposing, in the meantime, the money had not been transferred to you, you are aware it would be locked up, and out of your power under certain conditions?—Yes.

31. Had you any understanding with any person whatever that you, the Guardian Insurance Office, were to have any control over the Bill?—No.

32. Not that you were to have the power, if you thought fit, of stopping the Bill at any stage?—No.

33. There was no conversation on that subject?—There may have been some conversation on that subject.

34. What was the nature of the conversation?

Mr. *Denison* objected to the question.

35. Mr. *Venables*.] Had you any conversation with Mr. Baxter, or anybody on his behalf, on the subject of your retaining any control over the Bill.

Mr. *Denison* objected to the question, and submitted that Mr. Carter had been summoned on a Speaker's order to produce a particular document; that he had produced it, and given full information upon it; that anything beyond that he was not here for; that the witness had produced the document, and that that could not be varied by anything that took place beyond it.

Mr. *Venables* was heard in support of the question, and submitted that Mr. Carter was directed by the Speaker's warrant to come here and give evidence upon this inquiry, and to produce all documents material to the the case; that the security nowhere, on the face of it, stated that it was the sole security, and that there might be more than appeared on the face of it.

Mr. *Denison* was heard in reply.

The *Committee* decided that Mr. Venables might ask the Witness whether there was any other agreement, but that he might not ask about conversations.

36. Mr. *Venables*.] Had you any agreement or understanding, written or verbal, with Mr. Baxter, or any of the promoters of this Bill, with reference to this money, besides what appears here?—We had a document showing that Mr. Baxter had the sole conduct of the Bill.

37. Have you got that?—Yes.

38. Will you let me look at that?—That document does not belong to me, but to Mr. Baxter.

39. But that was given to you?—Yes. (*The Witness handed it in.*)

40. "We the undersigned, promoters of the Sheffield, Chesterfield, and Staffordshire Railway, in consideration of Messrs. Baxter, Rose, Norton, & Co. having become responsible for the repayment of the deposit made in respect of this Bill, hereby undertake that the conduct of the said Bill shall remain in their hands until the said deposit shall be repaid to the parties advancing the same." That is dated 11th January 1864, and signed by John Brown, the chairman of the Company, Mr. Wm. F. Dixon, Mr. J. G. A. Creswick, Joshua Tizack, Henry Wilkinson, and James W. Dixon: are those gentlemen promoters of the Bill?—I believe so.

41. Mr. John Brown and Mr. Henry Wilkinson are the requisitionists?—Yes.

42. Was that document furnished to you at your request?—It was.

 43. What

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43. What was your object in asking for the document?—We were advised that it was necessary to have it.

44. You were advised that it was necessary to have a binding undertaking that Messrs. Baxter & Co. should have the control of the Bill?—Certainly.

45. You understood the reasons; what were the reasons that made it necessary?—I think they appear sufficiently upon the undertaking; the undertaking was that the money should be repaid to us before the Bill was read a third time; and Messrs. Baxter & Co. were the agents for the Bill.

46. Your object was that Messrs. Baxter & Co. should have the power of preventing the third reading of the Bill unless the money was repaid to you?—We did not care so long as the money was repaid.

47. Will you have the kindness to anwer my question in the form in which it was put: your object was that Messrs. Baxter & Co. should have the power of preventing the third reading of the Bill unless the money was repaid to you?—Yes, it was.

48. That being the case, had you any understanding, written or verbal, with Messrs. Baxter & Co., that they should either repay the money or exercise that power of stopping the Bill?—No; we had none.

49. You had then no understanding of any kind that the Bill should be stopped if your money was not repaid?—No; we had none.

50. Did you expect that the Bill would be stopped if the money was not repaid?—Certainly.

51. I presume it was in connexion with that expectation that you asked for that document?—Certainly.

52. I have asked you if you had any written or verbal arrangement with the promoters of the Bill, or with Messrs. Baxter & Co., other than you have mentioned?—No, none.

53. Have you any other document relating to this matter in your custody?—I have a letter written to Messrs. Baxter & Co. when we originally agreed to make the loan.

54. Written by your office?—Yes.

55. Will you produce that? Will you begin with the first letter that passed between you on that subject? I suppose the first would be a letter from Mr. Baxter?—No; it was a conversation. When it had been verbally arranged, this was the letter that was written (*the Witness handed in the letter*).

56. This is dated the 1st January 1864: "Referring to the proposal made to this Company on your behalf, I am directed to inform you that, in accordance with the terms agreed upon, the Directors are prepared to lend a sum of the Government Stock equivalent 120,000*l.* cash, for the purpose of the deposit for the Chesterfield, Sheffield, and Staffordshire Railway Company, on the following terms, namely." Those are the terms on which the money shall be paid; those I do not want to read. Then it goes on "that the stock shall be paid into the Court of Chancery, to the account of the Railway Company, by and under the sole names of this Company's Trustees, to be retransferred before the 15th of July next, and before the Bill is read a third time in the second House; or in the event of the abandonment or withdrawal or rejection of the Bill, or the termination of the Session before that time, such retransfer to be secured by the bond or undertaking of the promoters, solicitors, and agents of the Bill, to be prepared by, and in such form and manner and to contain such conditions as, this Company's solicitors shall approve;" the costs and charges to be paid the Company. Then you say you will instruct your solicitor to communicate with them?—Yes.

57. Have you any further correspondence about it?—There is a reply to that letter (*producing it*).

58. Signed Baxter, Rose, and Norton; adddressed to Mr. Thomas Tollemache: is he your secretary?—Yes.

59. "In acknowledging the receipt of your letter of the 1st instant, we have great pleasure in assenting to the terms therein stated, and so concluding the arrangement. There is only one passage of your letter on which we would trouble you with an explanation. You say you desire the undertaking of the promoters, solicitors, and agents of the Bill. We have not in any case required the signature of promoters, but have given an undertaking in the form, which we enclose, and this has been invariably accepted as satisfactory in all our deposits. The Bill is entirely in our charge, and we, therefore, are unable to give the form of undertaking. Perhaps you will forward this form to your solicitor

solicitor at the same time as you instruct him to communicate with us; and we have no doubt he will be satisfied in point of form." Did you reply to that?—I have not been able to find any answer. I think the answer was verbal.

60. To what effect?—That we should not require the undertaking of the promoters, solicitors, and agents; that we were satisfied with their undertaking, on their showing us that they were solicitors to the Bill.

61. But you required them to show that they had the sole control of the Bill?—Yes.

62. Was the form they proposed to you the same that was afterwards embodied in this agreement?—It was not identically the same, but very nearly.

63. Have you any other documents connected with this matter?—I have some short correspondence with our own solicitors about it. There is one other letter, dated 9th January 1864, from Mr. Baxter; that is the only one I have been able to find. (*The same was handed in.*)

64. From Mr. Baxter to your solicitors?—Yes.

65. "Dear Sirs,—There is so little time for further discussion or explanation, that I adopt your form of undertaking, as left with my son, a copy of which accompanies this letter, relying upon the explanations given to my son, his memorandum of which, as sent to me yesterday, I also, to prevent mistake, enclose a copy." Does that refer to the form of undertaking afterwards signed by the Promoters—the undertaking that Messrs. Baxter & Co. should have the sole control of the Bill?—No; I think that refers to the undertaking from Messrs. Baxter & Co. that was given to us.

66. This last letter must have been in answer to the one from your solicitor; have you it?—No; I have not.

67. You can say what the form of the undertaking was?—I have not the least doubt it was that form. (*The undertaking beginning*, "*In consideration of your having this day.*")

68. That is not the undertaking, is it?—Yes, it is; that they will repay us the money before a certain date. We have always called that the undertaking. After we had written that letter, any further correspondence, I believe, was verbal. If there was any correspondence, it must have been carried on by the solicitors. I have no doubt this letter refers to that undertaking.

69. Mr. Baxter seems to refer to some?—No; it is "relying on the explanations given to my son."

70. What were those?—I cannot say; they were not given by me, but by the solicitors.

71. You do not know what explanations the solicitors gave to Mr. Baxter?—No, I am sure they gave no explanations, except what I have stated myself; I had the conduct of it.

72. All you required from first to last was, the agreement which we have there, and the undertaking on the part of the Promoters, that Messrs. Baxter & Co. should have the sole control of the Bill?—That undertaking, that the conduct of the Bill, shall remain in their hands till the deposit shall be repaid; those are the only terms on which the money was lent.

73. Do you consider if that money was not repaid, you have a right to call upon Messrs. Baxter & Co. to withdraw the Bill?—Yes.

Cross-examined by Mr. *Denison.*

74. The undertaking you have is, that Mr. Baxter should pay the money?—It is.

75. Supposing that Mr. Baxter lost the conduct of the Bill, would he or not lose the power of re-transferring the money which is in the Court of Chancery?—I take it that he would have to pay the money himself then.

76. Perhaps you prefer the security; Mr. Baxter, with the money in Chancery under his control, so far as he was solicitor, to having to rely upon him personally.—No doubt.

77. Was that the reason you desired to have this sort of undertaking from the Promoters of the Bill, that Messrs. Baxter & Co. should retain the conduct of the Bill?—It was.

78. You said that your object was to secure the Bill being read a third time?—No; we want our money.

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79. To secure the money before the Bill was read a third time; or before what you assumed might be the end of the Session?—Yes.

80. By the *Committee.*] You, as a director, act either under professional advice, or with a concurrence of the Board, do you not?—Yes.

81. You do nothing individually?—No.

[The Witness withdrew.

Adjourned to Monday, at Twelve o'clock.

Lunæ, 14° *die Martii*, 1864.

JOHN HENRY SCOURFIELD, Esq., in the Chair.

Mr. *Rodwell* stated that at the close of Mr. Bonham-Carter's examination in chief on Friday, he was asked, "Do you consider if that money was not repaid you have a right to call upon Messrs. Baxter & Co. to withdraw the Bill?" to which his answer was "Yes;" but that his learned friend Mr. Denison had got up at the moment and interpolated the words, "or pay the money," at the end of the question, and before the commencement of the regular cross-examination, which words had, by some inadvertency, been left out of the Report.

Mr. *Venables* stated that he did not hear the words put to the witness, and that it was his impression that the witness was merely answering his (Mr. Venables') question.

Mr. *Frederick Janson*, sworn; Examined by Mr. *Cripps.*

Mr. F. Janson.

82. ARE you one of the Directors of the Guardian Insurance Office?—I am.

83. And the money transactions of that office are under your care, as trustee for your shareholders?—No, by no means.

84. You are one of the directors of the Company?—Yes, I am a director.

85. Any dealings in money with you, as a director, would be in trust for, and for the benefit of, your shareholders?—Yes; only we have trustees in whose names the funds and property of the Company are vested. I am not one of those trustees.

86. You are a solicitor, are you not?—I am, but not for the Company.

87. Are you one of the parties, also, in whose name this sum has been deposited in the Court of Chancery?—I am.

88. And that money is deposited in the Court of Chancery as the money of your shareholders of the Guardian Insurance Company?—It is.

89. Has the Guardian Insurance Company anything whatever to do with making the railway from Sheffield to Chesterfield?—Nothing whatever.

90. The money at present is deposited in the names of yourself and two of your co-directors?—It is.

91. So far as the present time is concerned, you consider yourself safe?—I do.

92. Your danger to that fund would be, would it not, if this Bill should receive the Royal Assent?—

Mr. *Rodwell* objected to the question.

The *Chairman* stated that the question could not be put in that form.

93. Mr. *Cripps.*] Will you answer me this: Is not the only danger to that fund the fact, that this Bill might pass and get the Royal Assent?—That alone would

Mr. *F. Janson.*

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would not endanger it. The deposit would not be forfeited unless the parties failed to make the railway or failed to give the usual security after the Act was passed.

94. As a director of the Guardian Insurance Office, have you any intention whatever of running any risk of that kind; are you not, in point of fact, secure?—I can hardly answer that question, as to any intention of running a risk. I submit that that is not a question which I am bound to answer.

Mr. *Rodwell* also objected to the question.

The *Chairman* stated that the Committee were of opinion that the question was too vague.

95. Mr. *Cripps.*] You have already told me of the danger to the fund if this Bill were to receive the Royal Assent, and to become law; what I want to ask you is this, have you taken what you consider proper measures to prevent the risk to the fund by the Bill becoming law?—We have; we consider it absolutely certain that Messrs. Baxter, Rose, and Norton, will not carry this Bill beyond a certain stage in Parliament unless the deposit is previously paid, they having undertaken to repay the deposit in the event of this Bill passing that stage.

Cross-examined by Mr. *Rodwell.*

96. You have no misgivings as to the security that you hold?—None whatever.

[The Witness withdrew.

Mr. *Charles William Curtis*, sworn; Examiped by Mr. *Venables.*

Mr. *C. W. Curtis.*

97. YOU are also a Director of the Guardian Insurance Company?—I am.

98. Was the question of this loan brought before you among other directors in your office, and as one of the Board?—It was.

99. Of course you would think it your duty, as acting for your shareholders, to get a perfect and certain security for the repayment of the money?—Of course.

100. You considered that necessary, I suppose?—Certainly.

101. You had the personal security of Messrs. Baxter & Co?—We had their undertaking.

102. Had you any other security which satisfied you, in addition to the personal security of Messrs. Baxter, Rose, and Norton?—We had the guarantee of the Promoters that the Bill should be conducted by Messrs. Baxter, Rose, and Norton.

103. That is the document which was put in, as you are probably aware, by Mr. Bonham-Carter?—Yes, on Friday; it was put in on Friday.

104. When the matter was discussed at the Board, was anything stated about the security which the Company would have, through the control to be exercised by Messrs. Baxter and Co. over the conduct of the Bill?

Mr. *Rodwell* submitted that the Promoters of the Bill, and Messrs. Baxter, Rose, and Norton, could not be bound by any discussion which took place at the Board of the Guardian Insurance Company.

105. Mr. *Venables.*] I will lead up to that. Was a statement of the nature that I have mentioned made at all, or brought before the Board. (I will begin with that); the question of the loan?—I submit whether the private conversations at the Board should be matter of evidence.

Mr. *Rodwell* objected to the question.

Mr. *Venables* was heard in support of his right to put the question.

The Committee deliberated.

The *Chairman* stated that the Committee were of opinion that Mr Venables might put this question, and no more, "By whom was the proposal made?" but no conversation could be inquired into.

106. Mr. *Venables* (*to the Witness*).] By whom was this proposal made?—It was made in the same manner as proposals for loans are made to the Court.

107. Who brought it before the Court?—Mr. Bonham-Carter.

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108. We have already proved his agency, for he said that he negociated the transaction; what security did Mr. Bonham-Carter propose to the Board as a security for the loan?

Mr. *Rodwell* objected to the question, and stated that Mr. Bonham-Carter had placed before the Committee the security upon which the money was advanced, and that, therefore, any preliminary negociations could not be gone into, because they were all focussed in the agreement.

Mr. *Venables* was heard to contend that Mr. Bonham-Carter must be considered as the agent of Messrs. Baxter, Rose, & Norton, in the negociation of this loan.

Mr. *Rodwell* was heard in reply.

The *Chairman* stated that the Committee were of opinion that Mr. Bonham-Carter could not be considered as the agent of Messrs. Baxter, Rose, & Norton.

109. Mr. *Venables* (*to the Witness*).] I cannot then ask you what Mr. Bonham-Carter said, but I will ask you this: Were you a consenting party; probably you will not object to that; you took part in the decision. I will not ask you your private opinion, but you took part in the decision?—I did.

110. What were the terms on which the Guardian Insurance Company agreed to lend this money?

Mr. *Rodwell* submitted that the document would speak for itself, and that it was under a written document that the money was advanced.

111. Mr. *Venables.*] Now, was there anything else?—No, except the guarantee of the Promoters which was put in on Friday.

112. You mean the guarantee that Messrs. Baxter, Rose, & Norton should have the conduct of the Bill?—Yes.

113. Was there any understanding that the conduct of the Bill was given to Messrs. Baxter, Rose, & Norton, for the purpose of enabling them to stop the Bill at a certain stage unless your money was repaid?—I know of no such understanding.

114. Is your understanding at this moment, that Messrs. Baxter, Rose, & Norton are bound to stop the Bill before it passes its last stage, unless your money is repaid?

Mr. *Rodwell* submitted that that was really a question of law, and must turn upon the effect of the documents.

The *Chairman* stated that the same question had been put before to another witness without being objected to, and that he did not see any harm in repeating the question as it was already on the Minutes.

115. Mr. *Venables* (*to the Witness*).] What is your understanding about it?—Our understanding is, that the money is to be repaid before the Bill is read a third time.

116. Do you contemplate under any circumstances the money belonging to your Company remaining as a security for the works being executed after the Bill is passed?—No.

Cross-examined by Mr. *Rodwell.*

117. You have got what you consider a good security, and you expect to have the money repaid you?—We have; and I do.

[The Witness withdrew.

Mr. *Venables* asked the Clerk of the Committee to put in the orignal Petition for the Bill on which the Bill was introduced into the House, in order that the Committee might see the names of the Promoters.

The

Mr. *C. W. Curtis.*

14 March 1864.

The Petition for the Bill was read as follows:—

"Sheffield, Chesterfield, and Staffordshire Railway; incorporation of Company; construction of Railways; alteration of Townhead-street in Sheffield; power to make working traffic and other arrangements with the London and North Western, Midland, Manchester, Sheffield and Lincolnshire, North Staffordshire, and Stafford and Uttoxetor Railway Companies, and South Yorkshire Railway and River Dun Company, and with Dunston and Barlow Company. Power to use stations and to run over portions of Midland, Manchester, Sheffield and Lincolnshire, and North Staffordshire, and Stafford and Uttoxetor Railways; amendment of Acts, &c. Unto the Honourable the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled.

The humble petition of the undersigned—

Showeth, That it is expedient that provision should be made by Act of Parliament for incorporating a Company with powers for making and maintaining certain railways in the counties of York, Derby, and Stafford, and for authorising the arrangements, and conferring the powers with reference to the other undertakings and Companies which are described in the Bill hereunto annexed, together with such other powers as are usually inserted in Acts of like nature.

Your Petitioners therefore humbly pray that leave may be given to introduce a Bill into your Honourable House for effecting the aforesaid objects in the terms of the Bill hereunto annexed, or in such other terms, and with such other provisions, as to your Honourable House may seem meet. And your Petitioners will ever pray.

John Brown.
William Fowler.
William F. Dixon.
James W. Dixon.
J. G. A. Creswick.
H. Y. Wilkinson.
Joshuah Tysack.

Mr. *Venables* was heard to address the Committee upon the points raised by the evidence.

Mr. *Rodwell* was heard in opposition to his learned friend.

Mr. *Venables* was heard in reply.

The Committee deliberated.

The *Chairman* stated that the Committee were of opinion that as this matter was one of very grave importance they would require time to consider it, and that probably it would be more convenient, with a view to saving expense to the parties, as the witnesses were present, that the case of the Bill, on its merits, should be gone into, it being clearly understood that this course would be taken without prejudice to either side.

SHEFFIELD, CHESTERFIELD,
AND STAFFORDSHIRE RAILWAY BILL.

MINUTES OF EVIDENCE

On which the SPECIAL REPORT of the 14th March last is founded, being the MINUTES of EVIDENCE of the

MIDLAND RAILWAY (CHESTERFIELD TO SHEFFIELD) BILL,

Of the 11th March and 14th March of this Session.

Ordered, by The House of Commons, *to be Printed,*
25 *April* 1864.

Under 2 oz.